

Perth and Kinross Council  
Development Management Committee – 16 July 2014  
Report of Handling by Development Quality Manager

**Erection of a single wind turbine up to 84m in height at Temple Hill**

Ref. No: 13/00680/FLL  
Ward No: 8 Kinross-shire

**Summary**

This report recommends approval of the application for a single wind turbine and associated infrastructure at Temple Hill as the overall magnitude, detailed siting and wider cumulative impact are considered to be acceptable at this situation. Accordingly the proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The wind turbine is proposed within the foothills of the Ochil Hills, north of the settlements of Kinross, Milnathort and west of Glenfarg at a distance of less than 3km. The application site relates to an area of lower upland pasture, at the foot of Temple Hill. The original Temple Hill wind turbine proposal (12/01493/FLL) was the same scale as that currently proposed (84m), approximately 300 metres North West of the current proposal site and 45 metres further up Temple Hill (275m AOD). The site is also directly north of Tillyrie Hill, which has been previously proposed for wind energy, the most recent application (12/01765/FLL) for 3 turbines (each at a height of 74m), was ultimately refused on appeal. The overall site area is 0.8 hectare, with the turbine proposal sitting between Temple Hill and Golloch Hill, at a base height of approximately 230m AOD.
- 2 At present the site is accessible on foot along an unmade farm track from the unclassified Tulloch Road to Path of Condie that lies to the south west of the site. Blair Burn and Glenfarg Reservoir are situated directly to the north of the site, where Perthshire Offroad Driving Centre also operates from. The proposed turbine foundation is immediately north of Strawearn Burn.
- 3 There are a number of scattered residential dwellings within a 2km radius of the proposal site with the nearest dwelling being Wester Blair to the north (700m). The other properties are Shire End house to the west, Kandy Farm to the east and Springhall to the south east.

**PROPOSAL**

- 4 This planning application seeks detailed planning permission for the erection of one commercial scale wind turbine, with a hub height of 60 metres, a rotor diameter of 48 metres and a maximum blade tip height of approximately 84 metres. The turbine will be a three blade version, with a generating capacity of up to approximately 800kW. In addition to the turbine itself, the development

also includes the erection of a small ancillary sub-station and an access track upgrade of an existing farm access from the public road.

- 5 The proposed turbine will have an estimated lifespan of 25 years, after which the turbine and all other development will be decommissioned and removed, and the site reinstated back to its current condition. This current application has been submitted following an earlier application which was not supported for a similar sized wind turbine, which was sited approximately 45 vertical metres higher, 300 metres to the North West, adjacent to the summit of Temple Hill.
- 6 A separate planning application for the erection of a 50 metre high meteorological mast for a temporary period of 3 years adjacent to the site was granted consent in April 2013 (Ref: 13/00392/FLL). The mast was installed in April 2013 and is currently operating (OS grid reference 710116, 310695).

### **PROCEDURAL**

- 7 Due to the development falling within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations (2011) under Part 3 Energy Industry the Planning Authority took account of the criteria contained within the EIA Regulations and adopted a screening opinion that an EIA was not required (12/00599/SCRN). This Screening Opinion should not be taken as implying that the Planning Authority considers this to be an acceptable development but that the environmental impacts for the scale of the development can be considered adequately in the assessment of the Planning Application.

### **NATIONAL POLICY AND GUIDANCE**

- 8 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

#### **National Planning Framework**

- 9 The third National Planning Framework for Scotland (NPF) was published in June 2014, setting out a strategy for Scotland's spatial development for the next 20 – 30 years. 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.

#### **Scottish Planning Policy 2014**

- 10 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - the preparation of development plans;

- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

11 The following sections of SPP (2014) are of particular importance in the assessment of this application:-

- Paragraph : 24 - 35 Sustainability
- Paragraph : 74 – 83 Promoting Rural Development
- Paragraphs : 135 – 151 Valuing the Historic Environment
- Paragraphs : 152 -174 Delivering Heat and Electricity
- Paragraphs : 193 -218 Valuing the Natural Environment

12 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage

### **Onshore wind turbines – Online Renewables Advice December 2013**

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

14 The topic guidance includes encouragement to planning authorities to:

- develop spatial strategies for wind farms;
- ensure that Development Plan Policy provide clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects.
- involve 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.

### **Development Plan**

15 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 – 2032 (Approved June 2012) and the Perth and Kinross Council Local Plan (Adopted February 2014).

### **TAYplan Strategic Development Plan 2012**

16 The vision set out in the TAYplan states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality*

*of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

- 17 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**

- 18 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**

- 19 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 Council Local Development Plan February 2014**

- 20 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.
- 21 The relevant policies are, in summary:

#### **Policy PM1A - Placemaking**

- 22 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 HE1B - Non Designated Archaeology**

- 23 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 NE1A - International Nature Conservation Sites**

- 24 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 NE3 - Biodiversity**

- 25 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**

- 26 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**

- 27 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 ED3 – Rural Business and Diversification**

- 28 Identifies favourable support for the expansion of existing businesses in rural areas.

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

- 29 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 EP5 - Nuisance from Artificial Light and Light Pollution**

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

## **Policy EP8 - Noise Pollution**

- 31 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**

- 32 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.

### **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**

- 33 This provides advice on the selection and identification of viewpoints, photography standards and photomontage standards. The requirement for visualisations to be presented in accordance with this guidance was highlighted through the scoping exercise and a further time prior to submission of the planning application.

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

- 34 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 to Inform Planning for Wind Energy (2010)**

- 35 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.

### **Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape (2014)**

- 36 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**

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

### **SITE HISTORY**

- 38 12/00599/SCRN Screening Opinion for a proposed wind energy development 10 April 2012.
- 39 13/00392/FLL Installation of a meteorological mast (temporary for 3 years) 3 April 2013 Application Permitted.

### **CONSULTATIONS**

- 40 The following bodies have been consulted in respect of the proposal. Their comments are summarised as follows:-
- 41 **Ministry of Defence:-** no objection is offered subject to clarification on the final turbine position being controlled and details submitted to MOD.
- 42 **Environmental Health:** - no objection subject to associated conditions in relation to addressing noise creation.
- 43 **Perth and Kinross Heritage Trust:-** have taken account on the potential impact on local archaeology and consider no direct impact on significant archaeology and do not recommend any associated conditions.
- 44 **Glenfarg Community Council:** - object to the proposal, (covered within the representation section).

### **REPRESENTATIONS**

- 45 A total of 12 letters of representation have been received from 11 individual postal addresses, raising the following issues:
- Excessive height.
  - Loss of visual amenity.
  - Shadow flicker.
  - Over intensive development.
  - Overlooking.
  - Too many houses in area
  - Unacceptable design
  - Cumulative impact of turbine
  - Setting precedent for more.
  - Land use.
  - Out of character with the area.
  - Historic decision and background of planning application 12/01493/FLL for a similar scale turbine.

- Negative impact on the hydrology for neighbouring businesses and residents.

## ADDITIONAL STATEMENTS

46	Environment Statement	Not required.
	Screening Opinion	A screening exercise has been undertaken by the Council, which concluded the proposal was not an EIA development.
	Environmental Impact Assessment	Not required.
	Appropriate Assessment	Not required.
	Design Statement / Design and Access Statement	Not required.
	Report on Impact or Potential Impact	Submitted, including acetates and additional cumulative visual impact study relating to Lochelbank and Greenknowes.

## APPRAISAL

- 47 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Council Local Development Plan 2014.
- 48 The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.
- 49 In terms of TAYPlan, Policy 6 is directly applicable as are the aforementioned Policies of the approved Development Plan.
- 50 Policy 6 of TAYPlan states that Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been fully justified.
- 51 Policy ER1 of the Development Plan supports development of renewable and low carbon sources of energy where they accord with associated policy criteria. The associated policy criteria elements are addressed within this report. Policy ED3 of the adopted Plan offers support for the expansion of existing businesses in rural areas.
- 52 In terms of other material considerations, this principally includes an assessment against national planning guidance in the form of the Scottish Planning Policy 2014 and consideration of supporting guidance including the Tayside Landscape Character Assessment.

- 53 Accordingly, based on the above, I consider the key determining issues for this proposal to be a) whether or not the proposal (by virtue of its siting and height) will have an unacceptable impact on the landscape / visual amenity of the area, b) whether or not the proposal is compatible with the surrounding land uses, c) whether or not there will be an adverse impact on any protected species and / or habitats and d) whether or not the proposal will adversely affect any cultural heritage assets, bearing in mind the provisions of the Development Plan and other material considerations.

### **Landscape Impact**

- 54 In considering the impact on the landscape character, the Tayside Landscape Character Assessment 1999 (TLCA) is a key material consideration. Within the TLCA the application site lies within the Ochil Hills which falls into the Igneous Hills classification.
- 55 It is known and understood that the Ochil Hills form an essential part of the distinctive landscape character of the area, particularly when viewed from the flat, open landscape of the Loch Leven Basin to the south. Whilst these hills are not particularly high, the stark transition between the flat open landscape of the Loch basin and the undulating hills accentuate their size and landscape impact. The introduction of any large scale structures within the Ochil Hills could therefore potentially upset the perception of the surrounding hills when viewed from the basin, making the hill range appear smaller and thereby diluting the overall visual influence as part of the landscape.
- 56 The significance of the skyline to the landscape character of the basin is referred to in the TLCA and also in the earlier, but more detailed Kinross-shire Landscape Character Assessment (KLCA). This identifies one of the key characteristics of the basin as the dominance and enclosure of the distinctive upland skylines and slopes. It also states:
- “The skylines of the Ochils, Lendrick, Benarty and Lomond Hills should be regarded as landscape features of national importance and should be safeguarded from all development proposals that may affect the skylines or landform or visual horizons.”*
- 57 Taking the aforementioned into account, the repositioning of the proposed turbine 50 metres lower (vertically) than the previous turbine proposed location (to the foot of Temple Hill) is a significant material change to the 2012 planning proposal. The updated photomontages, acetates and additional cumulative impact study submitted, alongside the supporting visual assessment, articulate that the proposed turbine will not have a significant detrimental impact on the character of the landscape. The viewpoints demonstrate that the turbine will not ultimately create a dominating or discordant sky-line feature in the landscape as was the case in the previous submission. The proposed turbine and its relative situation are not assessed to have any direct adverse impact on the integrity of the wider landscape character of the Loch Leven Basin in this context.

## **Visual Impact**

- 58 In terms of renewable proposals, Policy ER1A of the Development Plan seeks (amongst other things) to ensure that the visual integrity of the proposal is fully taken into account.
- 59 It is fully acknowledged in this situation, the introduction of a structure of this scale will have some degree of visual impact, particularly within the area immediately surrounding the site. In my view the main consideration in the assessment of visual amenity relates to how the proposed turbine will appear within its landscape context, the overall scale of intervisibility from affected parties and the degree of resultant change.
- 60 The proposed site is located in a relatively exposed and prominent location which, as demonstrated by the ZTV and the photomontages, will be visible from the surrounding area. Within a 2km radius of the turbine there are a number of residential properties that will have partial views of the turbine. This will undoubtedly result in a relatively significant change in the visual character of the local landscape enjoyed by these residents, particularly when viewed from the properties at West Blair (landowner), Plains and Shire End. In addition, whilst the area is not specifically protected by any formal landscape designation, the local area does have a relatively high degree of visual amenity value for both its residents and users. Immediately to the north of the site lies Glenfarg Reservoir and fishery and the Perthshire Off-Road Centre also operates to the north.
- 61 The photomontages illustrate that the turbine will result in a direct visual impact, particularly when viewed from Glenfarg fishery. It is however also acknowledged and assessed that the proposed situation of the turbine at the foot of Temple Hill has resulted in a significant improvement in relation to the overall scale of the associated visual impact. The current proposed situation and scale of the proposed turbine is not assessed to result in an unacceptable impact on the visual amenity of the area, with principally glimpse views being the predominant direct view experienced. In summary, the visual integrity of this area is not adversely compromised through this proposal.

## **Cumulative Impact**

- 62 The cumulative impact of wind energy infrastructure is an important consideration in the assessment of the impact of any proposed wind turbine on the landscape. An individual wind turbine on its own may not necessarily result in a significant impact on the wider landscape but when considered along with other existing and proposed turbines, its impact could be quite significant.
- 63 The applicant has provided a number of wireframes and photomontages demonstrating the potential cumulative impact alongside the following developments:
- Lochelbank Wind Farm (12 turbines, 91m – constructed & operational)
  - Green Knowes Wind Farm (18 turbines, 98.5m – constructed & operational)

- Tillyrie Hill (3 turbines, 74m – application now refused and upheld at appeal)
- Ledlotion (4 turbines, 87m – EIA Scoping)
- Colliston Farm, Drunzie (1 turbine, 46m – application pending consideration)
- Chance Inn, near Kinross (1 turbine, 48m – application refused)
- Mawmill, Cleish (1 turbine, 78m – EIA Screening)

- 64 In terms of the existing operational wind farm infrastructure, the updated planning background submission has fully assessed that the proposed turbine and this location will not have a significant cumulative impact in relation to either Lochelbank or Green Knowes. No other turbine development of this scale has been approved in the vicinity. In contrast, the proposed turbine cluster at Tillyrie has been subsequently refused. The decision at Tillyrie Hill is considered consistent with Development Plan policy, with the situation and scale at Temple Hill considered to be a different context overall.
- 65 It was considered fundamentally important to ensure that supporting documentation fully detailed and covered a comprehensive approach to the associated visual impact and associated receptors in this context. Through the revised positioning of this turbine further down the hill of Temple Hill, it is considered that the proposed turbine would not result in an adverse cumulative visual impact on the landscape when viewed alongside existing and proposed wind turbines in the surrounding area. In contrast, the turbine does not draw the naked eye or shrink the visual distances between Lochelbank and Greenknowes wind farms as has been established by the additional information produced.
- 66 Having assessed the supporting wireframes, photomontages, acetates and additional cumulative visual assessment of Lochelbank and Greenknowes, and through visiting various viewpoints surrounding the site, it is considered that the introduction of this turbine at the proposed position would not ultimately result in a significant cumulative effect when considered against built and consented associated wind energy development in the vicinity. Crucially, Tillyrie Hill wind cluster application has been refused and the decision upheld at appeal, with no other consented development of this scale directly in the vicinity.

### **Compatibility with Existing land uses**

- 67 With regards to compatibility with existing land uses, Policy 6 of TAYplan and Policy ER1A identify support for renewable energy proposals, but only when they meet specific criteria, including the impact and effect on off-site properties, sensitivity of the landscapes and the overall associated cumulative impacts. There are no direct concerns regarding the impact that the turbine will have on the commercial activities of the land, and in terms of the impact on any existing residential properties. Environmental Health colleagues have commented on the proposal and have raised no concerns regarding noise related issues and shadow flicker. The principal conflict with existing neighbouring properties would be the potential visual impact and this matter has been covered elsewhere in this report.

## **Protected Species / Habitats**

- 68 Policy NE3 seeks to protect and enhance existing wildlife and their habitats. The site is not protected by any specific designation and assessed against SNH guidance, the site is identified as being located within the lowest zone of natural heritage sensitivity. Nevertheless this does not necessarily indicate that the proposed development would not impact on protected wildlife and it is important to consider the wider impact the development could have on local wildlife interests.
- 69 In recognition of this the applicant has undertaken an extended phase 1 habitat survey of the site in order to assess the conservation value of the survey area; the likely presence of rare or protected and notable species; and to identify any features, habitats or species which would constitute potential constraints to the development. The survey findings generally conclude that the potential for this development to impact on wildlife in the immediate area to be extremely unlikely. However it is recommended that a survey be carried out in the immediate period before construction commences to determine if badgers, otters or water voles are present.
- 70 I am satisfied that the applicant has adequately assessed the potential impact on wildlife and considered the proposal to be consistent with the relevant Development Plan policies, which relate to protected species / habitats, insofar as the proposal would not have a significant adverse impact on either element.

## **Cultural Heritage**

- 71 Policy 3 of TAYplan seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.
- 72 Perth and Kinross Heritage Trust have advised that the proposed development site is not considered to have any significant archaeological potential.
- 73 Further afield, there are a number of associated cultural heritage sites. The closest listed buildings within a 2km radius are Old Abbot's Deuglie House (Category B, 1.7km north east), Glendy Mill Bridge (Category C, 1.5km east), and Langside (Category C, 1.5km south east). Category A listed building Kinross House and its associated Garden and Designed Landscape is located approximately 7.5km to the south and the category A listed and designated Scheduled Ancient Monument at Loch Leven Castle is also located approximately 8km to the south east of the proposed site.
- 74 The background photomontages illustrate that the turbine will be visible from Castle Island. However, it is considered that the intervening topography and vegetation and the associated distances involved would limit the impact on the character or setting of this historic site. In relation to listed buildings, it is considered that the proposed turbine will have no significant impact, with little or no direct intervisibility. I therefore consider the proposal to be consistent with the relevant Development Plan policies with regard to cultural heritage.

## **Road / Access Issues**

- 75 A number of concerns have been raised in regards to potential impact on traffic safety in relation to both access for construction and the associated dynamic structure having the potential to be a distraction to drivers.
- 76 The applicant has submitted a transport assessment along with an assessment of the abnormal loads route detailing the estimated volume of construction traffic and abnormal loads likely to be generated by the proposal. The applicant has also stated that a construction traffic management plan will be submitted that will be used to control the impact of the construction traffic on the road network and the existing users.
- 77 All abnormal loads would be controlled under the Council's procedure for Abnormal Loads Routing in accordance with the Roads Traffic Act 1982 and the Road Vehicles (Authorisations of Special Types) (General) Order 2003. In terms of these Acts the developer is required to give advance notice of the intention to move abnormal loads to both the Council and the Police. This procedure can be adapted to allow consultation with the local residents and other interested parties where appropriate. It should be noted that arrangements are generally made, as far as is practical, to avoid any conflict with peak hours, including school runs and roadworks.
- 78 In terms of the turbine and its associated movement, it is acknowledged that this would have the potential to cause distraction. It is also acknowledged that logistically it makes sense to locate wind turbines adjacent to or close to a road network for construction and maintenance purposes. The volume of traffic using the road and the overall affected routes whereby traffic should generally be travelling at slower speeds to account for blind summits and tight corners, the overall associated impact of the moving turbine is not considered a reason for refusal on traffic safety grounds on this occasion.
- 79 My roads colleagues have assessed the proposals and raised no objection to the proposal on the basis of access and traffic safety, subject to associated compliance with recommended conditions.

## **Economy**

- 80 The economic benefits associated with this proposed wind turbine 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 economy offering potential business opportunities for contractors through construction, delivery and maintenance.
- 81 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.

### **Renewable Energy Generation**

- 82 It is accepted that there is a growing need to increase the amount of electricity generated from renewable sources in order to reduce our reliance on fossil fuels and that wind power will play an important role in this aim. The Scottish Government, through its planning policies and guidance, is also broadly supportive of wind energy as a vital part of the response to climate change. It is also acknowledged that in some circumstances there may be an additional justification associated with an existing economic use.
- 83 In this particular instance the proposed turbine will generate a maximum output of 800kW, which will be connected directly into the grid, benefiting from the feed in tariff scheme. Whilst it is acknowledged that the proposed turbine will generate a renewable source of energy for a number of residential properties, the overall output of the turbine is considered on a community but not regionally significant scale.

### **Shadow Flicker**

- 84 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 will not be a direct adverse impact to neighbouring properties in terms of shadow flicker.
- 85 Environmental Health has also assessed this matter and it is considered that shadow flicker is unlikely to be an issue given the distances (no properties within 480m) and also given the topography and landscape features between the site and affected neighbouring residential dwellings.

### **Aviation and Telecommunications**

- 86 Portmoak Gliding Airfield is located within 10km from the application site and Balado airfield, albeit only operating light aircraft. Once operational and at the distances involved, the proposal will be beyond the obstacle clearance criteria and there will be no anticipated adverse impact on these facilities. There are no other airfields or airstrips within 20km of the site.
- 87 Wind turbines have been identified 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.

- 88 The height and location of the proposed wind turbine has been assessed by the MOD and they have advised that they do not object to the proposed turbine. They have however requested that if planning permission is granted the following information is provided to the MOD:
- the date construction starts and ends;
  - the maximum height of construction equipment;
  - the latitude and longitude of the turbine.

### **Noise**

- 89 Policy EP8, states a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses. As previously highlighted, there are several residential properties in relatively close proximity to the proposed turbine. It is therefore possible that noise from the operation of the turbine could impact on neighbouring residential amenity.
- 90 In order to consider the impact of the proposed turbine on the surrounding area and nearby residential dwellings the applicant has undertaken a Noise Assessment, using an Enercon E48 turbine as a substitute model. The assessment concludes that noise levels as a result of the operation of the proposed turbine will fall within the ETSU-R-97 noise limits at all of the nearest noise sensitive receptors. Environmental Health has advised that these levels are acceptable subject to conditions relating to the control of noise generation. It is considered that the predicted noise levels from the proposed turbine will not unduly impact on the nearest neighbouring properties.

### **TV reception**

- 91 It is not anticipated that the proposed turbine would have any significant impact on Television reception. However an appropriately worded condition could be attached to the consent which would provide mitigation measures for any person(s) affected directly by this proposal.

### **CONCLUSION**

- 92 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 this respect of the above assessment, the proposal is considered to comply with the overriding aims and policy objectives of the approved TAYplan 2012 and the adopted Local Development Plan 2014.
- 93 In this case, as outlined above, there would be a measurable contribution to renewable energy generation and associated savings in carbon emissions. I consider that given the sensitive re-siting of the wind turbine (following the original case officer's recommendation), 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 adversely significant given its overall situation and scale remaining compatible with neighbouring commercial scale windfarms within this locale. Cumulatively, the single turbine is considered to fit with the wider spatial arrangement of Lochelbank and Greenknowes windfarms whilst also being assessed to provide an appropriate conclusion to the landscape framework capacity in relation to larger scale turbines in this locale.

## **LEGAL AGREEMENTS**

94 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

95 None applicable to this proposal.

## **A RECOMMENDED CONDITIONS**

1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

2 Within six months of the wind turbine being decommissioned the owner shall remove the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Council as Planning Authority.

Reason - In the interest of protecting the visual amenity of the area.

3 Notwithstanding the terms of Condition 2, the turbine shall be decommissioned by the owner and all associated plant and equipment removed and the site reinstated the site to its pre-development condition, to the satisfaction of the Council as Planning Authority, within 25 years from the date of the planning consent.

Reason - In the interest of protecting the visual amenity of the area.

4 Noise arising from the wind turbine shall not exceed an L A90, 10 min of 35 dB at the nearest noise sensitive premises at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event of that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.

Reason - In the interest of protecting existing residential amenity.

- 5 Noise arising from the wind turbine shall not exceed an  $L_{A90, 10 \text{ min}}$  of 45 dB at the nearest noise sensitive premises with a financial interest in the development, at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event of that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.

Reason - In the interest of protecting existing residential amenity.

- 6 At the request of the Council and following a complaint relating to noise from the wind turbine the operator of the development shall, at its expense, employ an independent consultant approved by the Council to measure and assess (carried out in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)) the level of noise emissions from the wind turbine.

Reason - In the interest of protecting existing residential amenity.

- 7 Prior to the commencement of works the public road shall be improved by means of passing places/strip widening and junction improvements at locations identified in the applicants Access Report (plan 13/00680/13) and as agreed with the Council as Roads Authority. All works shall be carried out to the standard and specification required by the Council as Roads Authority

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 8 The details of the site access shall be agreed with the Council as Roads Authority and constructed prior to the commencement of works on site to the satisfaction of the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 9 Prior to the commencement of works the applicant shall enter into a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 in respect of the agreed access route whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 10 Prior to the commencement of works the applicant shall enter into an agreement with the Council as Roads Authority in respect of the relocation, removal and temporary re-siting of road signs and other street furniture necessary to aid the passage of abnormal loads over all routes leading to the development.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 11 Prior to the commencement of works the applicant shall agree in writing the construction traffic management scheme with the Council as Roads Authority in accordance with the Roads Traffic Act 1982, the Road Vehicles (Authorisations of Special Types) (General) Order 2003 and the Council's procedure for Abnormal Loads Routing to the satisfaction of the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 12 The public road shall be kept free from mud, debris etc. at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud, debris etc. on to the public road to the satisfaction of the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 13 A detailed Construction Method Statement (CMS) must be submitted prior to any development commencing. The CMS must include pollution prevention, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing of the construction, all to the satisfaction of the Council as Planning Authority. The approved CMS shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of proper site management.

- 14 Prior to the commencement of any development on site, precise details of any red obstacle lighting must be submitted to the Council as Planning Authority.

Reason - In the interest of promoting aviation safety.

- 15 Prior to the commencement of any development on site precise colour details of the turbine components shall be submitted for the approval in writing by the Council as Planning Authority. The approved colour scheme shall be implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.

Reason - In the interest of protecting existing visual amenity.

- 16 In the event that the turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbine shall be disconnected until the problem has been investigated and resolved, to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management.

- 17 Prior to the commencement of any development on site precise details of the means of grid connection shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management and to protect the visual amenity of the area.

- 18 Prior to the commencement of any development, precise details of the size and location of any proposed electricity transformer(s) or other permanent structures directly associated with the development, shall be submitted for the approval in writing by the Council as Planning Authority.

Reason - In the interest of proper site management.

- 19 Prior to the commencement of any development precise details of any borrow pit(s) shall be submitted for the approval in writing by the Council as Planning Authority. In addition, at the same time, precise working details of the borrow pit shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management and to protect the visual amenity of the area.

- 20 Any material extracted from a borrow pit shall be used solely on site to enable this development, to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management and to protect the visual amenity of the area

- 21 No advertisements or signage shall be attached or displayed on any part of the turbine.

Reason - In the interest of protecting existing visual amenity.

- 22 The turbine shall not be illuminated in any way, with the exception of any aviation lighting that has been approved under Condition 8.

Reason - In the interest of protecting existing visual amenity.

## **B JUSTIFICATION**

- 1 The proposal is in accordance with the Development Plan and there are no material reasons which merit refusing the planning application.

## **C 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 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - a. Displayed in a prominent place at or in the vicinity of the site of the development
  - b. Readily visible to the public.
  - c. Printed on durable material.
- 5 Prior to the commencement of the development, the applicant must inform the Ministry of Defence (Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL) of the following information.
  - The date that construction will start and end.
  - The maximum height of construction equipment.
  - The precise latitude and longitude of the position of the proposed turbine and the construction equipment.
- 6 The applicant should be aware that if any proposed borrow pit is outwith the RED line application site then the borrow pit may require a separate planning permission.
- 7 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 8 For the avoidance of doubt, any material change in the appearance of the turbine (i.e. a modification to a different number of blades) will not be approved as part of this consent.

Background Papers: 11 separate letters of objection.

Contact Officer: Callum Petrie – Ext 475353

Date: 2 July 2014

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the  
Customer Service Centre  
on  
01738 475000



Council Text Phone Number 01738 442573

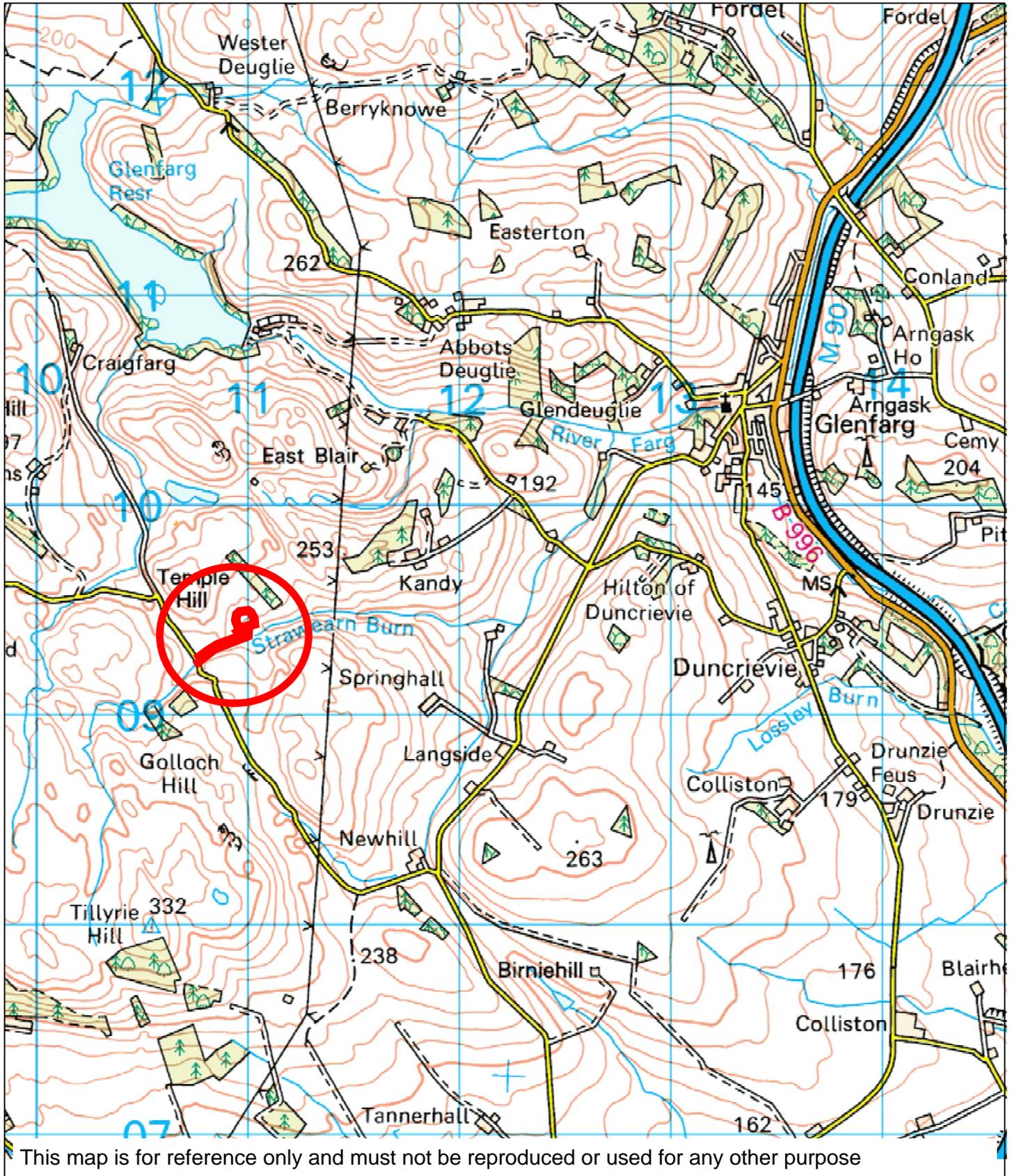


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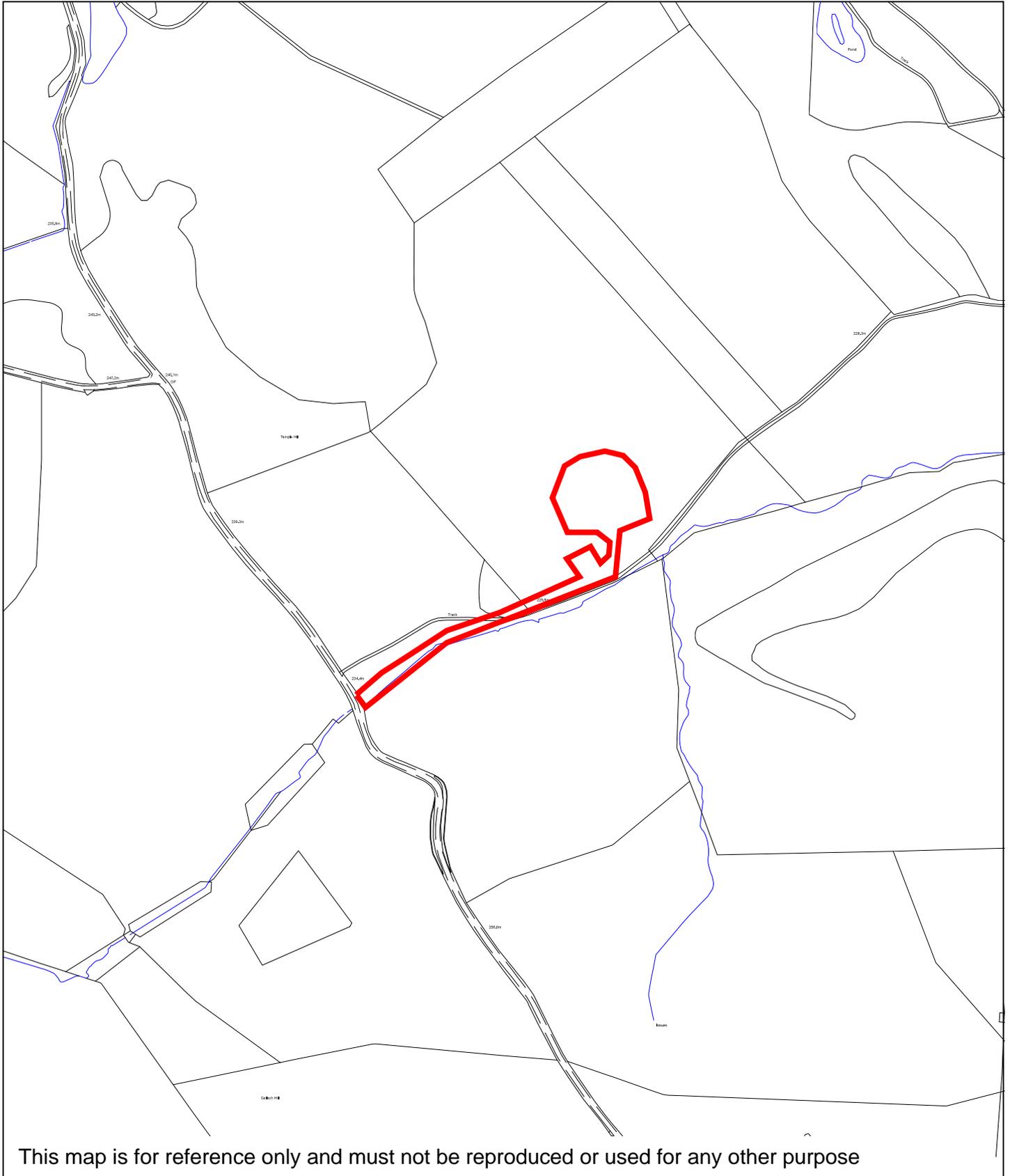
13/00680/FLL

Temple Hill Wind Farm, Glenfarg

Erection of a wind turbine



Scale  
1:25000



Scale  
1:5000



Scale  
1:2500

