

Perth and Kinross Council
Development Management Committee – 13 August 2014
Report of Handling by Development Quality Manager

Erection of two wind turbines at Drummick Farm, Glenalmond, Perth, PH1 3SF

Ref. No: 14/00478/FLL

Ward No: 9 - Almond And Earn

Summary

This report recommends approval of the application for two wind turbines as 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 application site is located on the south side of the glen of Glenalmond. The area of surrounding land is characterised by agricultural fields interspersed with substantial areas of farmland, large areas of forestry, small settlements and individual dwelling/farmsteads.
- 2 The application site is located to the east of a grouping of buildings known as Drummick Farm and the public road, to the south is farmland through which pylons run southeast to northwest and Glenalmond Golf Course is located to the north.
- 3 The proposal consists of the erection of two turbines with an overall height of 45m to the blade tip. Other associated works include hardstanding around each turbine, underground cabling and the upgrading plus extension of the existing track to provide access to the turbine.
- 4 The proposed turbines will have an estimated lifespan of 25 years, after which the turbines and all other development will be decommissioned and removed, and the site reinstated back to its current condition.
- 5 Access to the site during the construction phase will be via the M90, A9, A85, A822, B8063, the Glenalmond Road, turning onto the road to Drummick.
- 6 A previous application (ref: 12/00401/FLL) for a single wind turbine on land at Drummick Farm, (approx. 1km west of this application site) with a maximum height of 77m was refused under delegated powers and that decision was upheld by the Local Review Body on 14 December 2012. The grounds for this decision were described as the impact to the visual and residential amenity of the area, and the establishing of a precedent for similar developments in the locale. As well as reducing the height of the proposed turbines by over 40%, this new proposal is located at a new location within the farm land parcel.

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 (14/00253/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 23 June 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.

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

14 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 (Adopted February 2014).

TAYplan Strategic Development Plan 2012

15 The vision set out in the TAYplan states that:

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

The relevant policies are, in summary:

Policy 2: Shaping Better Quality Places

16 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

- 17 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

- 18 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

- 19 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.

- 20 The relevant policies are, in summary:

Policy PM1A - Placemaking

- 21 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

- 22 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

- 23 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

- 24 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

- 25 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

- 26 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

- 27 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

- 28 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 EP8 - Noise Pollution

- 29 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

- 30 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

- 31 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 prior to submission of the planning application.

Tayside Landscape Character Assessment (TLCA)

- 32 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)

- 33 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)

- 34 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

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

SITE HISTORY

- 36 14/00253/SCRN Screening opinion issued for erection of two wind turbines

CONSULTATIONS

- 37 The following bodies have been consulted in respect of the proposal. Their comments are summarised as follows:-

Ministry of Defence:- no objection is offered subject to clarification on the final turbine position being controlled and details submitted to MOD.

Methven and District Community Council: - Objection and raise concerns over the impact on the landscape character of the area.

NATS – no objection on aircraft safety grounds.

REPRESENTATIONS

38 A total of 15 letters of representation have been received, including one from the community council, raising the following issues:

- Excessive height
- Loss of visual amenity
- Effect on tourism and leisure use of the area
- Effect on wildlife
- Traffic and access impacts
- Effect on amenity of Golf Course
- Cumulative impact of turbine
- Out of character with the area

ADDITIONAL STATEMENTS

39

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

APPRAISAL

40 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 Local Development Plan 2014.

41 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.

- 42 In terms of TAYPlan, Policy 6 is directly applicable as are the aforementioned Policies of the approved Development Plan.
- 43 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.
- 44 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.
- 45 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.
- 46 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

- 47 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 Lowland Hills classification.
- 48 These Lowland Hills form the transition between the Highlands to the north and west and the lowlands to the south and east. The key characteristics are:
- low ridges and hills separating lowland straths and adjoining the nearby uplands
composed of soft, red sandstones
 - transitional character with pastures on lower slopes, giving way to rough grazing and even open moorland
 - evidence of several phases of historic settlement
 - extensive woodland, including forestry plantations
 - influence of modern development
- 49 The Landscape Character Assessment specifies that small scale, wind power has been important in this area for many decades, being harnessed by wind pumps to raise water. With the development of modern wind turbines to generate power, it is possible that this area may come under pressure for wind

farm development. Though wind speeds are likely to be significantly lower than in more elevated parts of the Highlands or the Sidlaws/Ochils, it is possible that the lower level of perceived constraint, together with the proximity to the existing electricity distribution network, could favour this area. This would be even more likely if the efficiency of wind turbines continues to improve, thereby making areas with lower wind speeds viable.

- 50 This area therefore may not necessarily favour turbine development but at an appropriate scale and location it could be acceptable. In this case the turbines are in an isolated location and are at a small scale in terms of their height additional the locational choice is presently influenced by the presence of electricity pylons.

Visual Impact

- 51 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.
- 52 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 turbines will appear within the landscape context, the overall scale of intervisibility from affected parties and the degree of resultant change.
- 53 The agent has submitted six photomontage showing the turbines in three distant landscape views and three taken from the public road adjacent to the turbine site.
- 54 Photomontages A and B have been taken from two points on the B8063 to the north of the strath (the turbine site lies to the south). The hub and blades of both turbines can be seen on the horizon at both these viewpoints. The area is however characterised by mature planting which punctures the horizon mitigating the turbine impact. Also characteristic of this stretch of the B8063 are the telegraph poles and wires which rise above the horizon framing the view also mitigating the turbine impact. At viewpoint B Glenalmond College is viewed in the foreground with the turbines behind. As this is a long view in a wide frame it is not considered that the impact on the listed buildings would be sufficient to merit refusal of the application as from within the grouping itself the topography and established planting mitigate any impact of the turbines.
- 55 Photomontage C is taken from the Glenalmond Road where the two turbines can be seen on the horizon. This view would only be experienced for a short distance on the road and the long view towards the turbines mitigates the impact. In addition along this horizon groupings of trees and electricity pylons punctuate the skyline with the turbines reflecting their scale and not dominating it.
- 56 Photomontages D, E and F are taken from a minor road connecting the Glenalmond Road to the A85 to the south. The full impact of the turbines is

evident from these viewpoints as both turbines can be seen from the road. However this is a minor road and sparsely populated area. The turbines in their entirety are only viewed for a short distance on this road and are closely located to the north of an electricity pylon. It is considered that at this location the short distance, presence of pylons and distance to residential properties mitigates the impact of the turbines.

- 57 In conclusion although the turbines are visible at the viewpoints selected these are submitted to show the worst case impacts of the turbines. It is considered that the landscape features both natural and manmade combine to mitigate overall the impact of the turbines.

Cumulative Impact

- 58 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.
- 59 The agent has made assessment of potential cumulative impact within their supporting statement considering turbines within a 10km radius of the site.
- 60 There are a small number of wind energy projects within a 10km radius of the proposal site, all of which are small or micro scale, the nearest of which appears to lie over 3km distant. Cumulative impact therefore is not considered to be an issue with regard to the proposed wind turbines for installation at Drummick Farm. The agent's assessment is agreed in that the scale of the turbines proposed and the intervening distance and topography would mitigate any potential cumulative impact.

Sequential Visual Assessment

- 61 Sequential cumulative effects on visibility occur when the observer would see the proposed wind turbine development with other developments either simultaneously or in succession, when moving through the landscape. The routes considered as part of this proposal are the A85, the Glenalmond Road and the B8063.
- 62 The A85 is located to the south of the application site and the ZTV demonstrates that the turbines would not be visible for long stretches of this route. In conjunction with this the intervening distance and topography would mean that the turbines would not be a feature on this route and therefore would not have additional impact when moving through this landscape.
- 63 The B8063 is where two of the viewpoints have been taken from and although the turbines would be visible along this route they would not be read in succession with any other proposed or existing turbine developments.
- 64 The other routes where there would be views of the turbines are minor roads or roads with strong intervening landscape features such as mature planting. It is

considered that on these routes the turbines would not combine with other developments in having a sequential cumulative impact.

- 65 It is therefore considered that due to the lack of other similar scale or larger turbine developments in the locality the proposal would not have a sequential cumulative impact.

Compatibility with Existing land uses

- 66 With regards to compatibility with existing land uses, Policy 6 of TAYplan and Policy ER1A of the LDP 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 objections 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.
- 67 The Glenalmond Golf Course lies to the north of the application site and the ZTV shows that views of the turbines could be experienced from the course. The turbines however at this location are positioned in front of existing pylons and although the turbines would alter views from the Golf Course they would not interfere with the operation of this recreational resource.

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 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 proposed development would not unduly affect wildlife in the immediate area and whilst there is always the potential for bird strikes, the likelihood of such occurrences would be relatively low.
- 70 The applicant has therefore adequately assessed the potential impact on wildlife and it is considered the proposal is 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 The supporting statement has identified Listed Buildings, Scheduled Ancient Monuments (SAM) and Historic Gardens and Designed Landscapes.
- 73 Six SAMs lie within 5km of the proposal site. Just one of these monuments (Car Stone) lies within the Zone of Theoretical Visibility (ZTV) of the proposal. Therefore, the overall impact to the cultural heritage resource of the area is assessed to be low. Although the turbines will be visible from the Car Stone SAM, the view from this monument towards Drummick already features the pylons that transect the area, and the separation exceeding 3km between the proposal site and this SAM is considered sufficient to ensure the setting of the stone is not unacceptably affected.
- 74 Five listed buildings lie within a radius of 2km from the proposal site, none of which are grade A-listed. The settings of the two listed buildings associated with Glenalmond College will be unaffected by the turbines within their immediate setting, however, the main college building is visible from the B8063. This view along this road of the listed building is at a considerable distance and the impact of the turbines are reduced by the mature planting which punctuates the skyline. The potential impact on the wider setting of the listed building has been discussed with the Conservation Officer who considers that there is an impact on setting but this would not be a significant impact to justify refusal.
- 75 The two listed buildings at Tulchan are surrounded by dense vegetation as is the stretch of road along which they lie. Unobstructed views towards the turbines from these buildings are therefore not anticipated. Similarly, the grounds of Keillour Castle are densely planted with woodland, greatly limiting the possibility of views of the turbine from the Castle or its curtilage.
- 76 From the Methven Castle Garden and Designed Landscape, the impact of the turbines standing over 7km distance will prove to be sufficiently insignificant as to not affect the setting of the grounds.
- 77 Having assessed the proposals it is considered that the turbines would be unlikely to have any significant impact on any sites of cultural interest. The existing intervening topography and woodland and the distances involved would not result in any major impact on the character or setting of the historic sites listed above. It is therefore considered that the proposal is consistent with the relevant Development Plan policies with regard to cultural heritage.

Road / Access Issues

- 78 The applicant has undertaken an assessment of the existing road infrastructure and identified a proposed access route for the delivery of the turbine and associated construction traffic.

- 79 The components of the proposed wind turbines will be delivered in sections by articulated lorries. Other construction traffic will include a road crane, works vehicle and lorries to transport a concrete wagon and dumper. There should be no special arrangements necessary for delivery to site – such as escorts or traffic safety measures. There should be no requirement for the temporary closure of public roads during the construction phase.
- 80 It is estimated that the proposed turbines would take six weeks to construct. The most traffic generated would be on week one when the foundations would be dug and set and week six when the turbines are delivered and constructed.
- 81 Transport Planning have assessed the proposals and raised no objection to the proposal on the basis of access and traffic safety, subject to compliance with recommended conditions for passing places and a Construction Traffic Management Scheme (TMS)

Economy

- 82 This proposal is for the installation of two small scale wind turbines which will connect into the premises of Drummick Farm, a rural, agricultural enterprise. The purpose of the project is to provide electricity for the farm to utilise, aiming to increase its sustainability, in terms of energy costs (particularly in the light of recent energy price rises) and in terms of reducing the carbon footprint of the premises. Any surplus energy generated will be sold back to the National Grid.
- 83 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

- 84 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.
- 85 In this particular instance the proposed turbines will generate an output which will meet the needs of the landowner and from which the surplus will be connected directly into the grid, benefiting from the feed in tariff scheme. Whilst it is acknowledged that the proposed turbines will generate a renewable source

of energy for a number of residential properties, the overall output of the turbine is considered to be a local but not regionally significant scale.

Shadow Flicker

- 86 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.
- 87 Environmental Health has assessed this matter and with regards to shadow flicker, UK Government Reports such as "Onshore Wind Energy Planning Conditions Guidance Note" for BERR state that only properties within a 10 rotor diameter need be considered. As there are no properties with 480m of the application site (other than the applicants), they do not foresee any issues with shadow flicker.

Aviation

- 88 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.
- 89 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

- 90 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.
- 91 There are two residential properties located 150 metres to the west of the proposed turbine locations (Drummick Farm Cottage and Drummick Farm House, which are in the ownership of the applicant) and a further two residential properties at Sluidubh (Stroness House and Sluidubh Farm House) located at 680 metres to the South.

- 92 It is possible in principle for a wind turbine, installed at this location, to comply with the simplified noise condition for single turbines as recommended by Planning Advice Note (PAN) 45.
- 93 Noise information has been submitted by Arcus dated December 2013 and carried out in accordance with ETSU-R-97.
- 94 Section 4, Table 4 of the report predicts noise levels at Drummick Farm House to be 36dB(A) at wind speed 10m/s which would fall below the recommended maximum level of 45dB(A) for residential properties with a financial interest in the project.
- 95 Table 4 also predicts noise levels of between 22dB(A) and 21dB(A) Sluidubh Farm House, which again would be below the recommended maximum level of 35dB(A) threshold recommended by ETSU-R-97.
- 96 Given the nature of the development and that the nearest residential property is approximately 150m, there is the potential for nuisance to arise, however Environmental Health consider that the use of planning conditions will protect residential amenity.

Private Water Supply

- 97 Environmental Health have advised that as the turbines relate to a rural area with private water supplies then a condition and informative should be attached to any consent to safeguard the water supply.

TV reception

- 98 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.

LEGAL AGREEMENTS

- 99 None required.

DIRECTION BY SCOTTISH MINISTERS

- 100 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 101 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.

- 102 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 within the farm holdings and reduction in scale 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 existing features (natural and manmade).

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 turbines 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 turbines 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 turbines 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 turbines, 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 turbines shall not exceed an L A90, 10 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 turbines, 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 turbines 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 turbines.

Reason - In the interest of protecting existing residential amenity.

- 7 Prior to the commencement of works, where deemed necessary, by the Council as planning authority the public road shall be improved by means of passing places/strip widening and junction improvements at locations to be 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 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.

- 8 Prior to the commencement of works on the 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;
 - (i) details of information signs to inform other road users of construction traffic;
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded;

- (k) co-ordination with other major commercial users 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 entire site construction programme all 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 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.

- 10 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.

- 11 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.

- 12 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 turbines 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.

- 13 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.

- 14 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.

- 15 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.

- 16 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

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

Reason - In the interest of protecting existing visual amenity.

- 18 The turbines 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.

- 19 Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason - In the interest of protecting existing private water supplies.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D 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 106 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.
9. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Background Papers: 15 letters of representation
Contact Officer: Joanne Ferguson Ext 75320
Date: 21 July 2014

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

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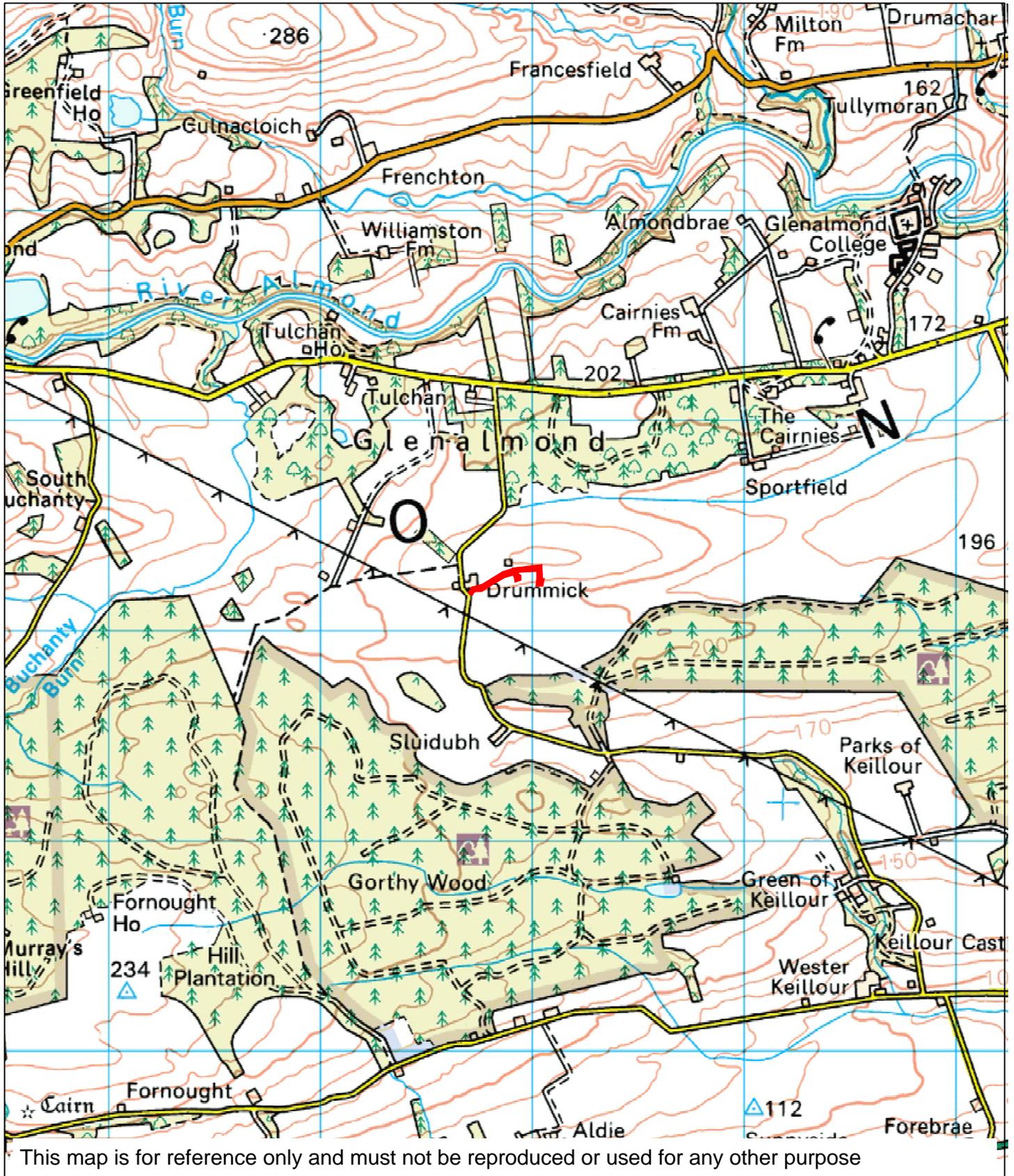
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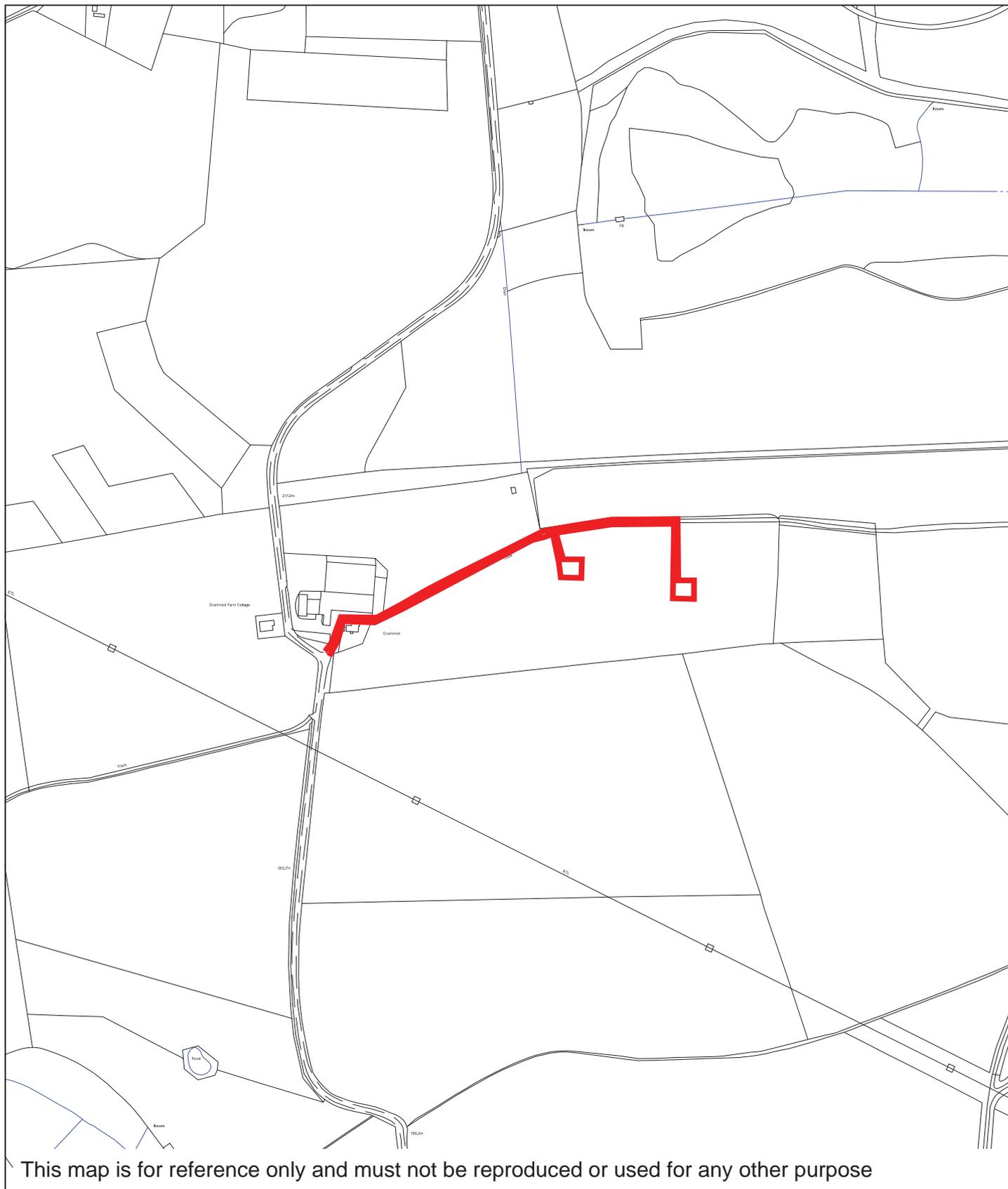
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Drummick Farm Glenalmond

Installation of 2 wind turbines



Scale
1:25000



↑ Scale
1:5000