

Perth and Kinross Council  
Development Management Committee – 15 July 2015  
Report of Handling by Development Quality Manager

**Erection of four wind turbines, ancillary infrastructure and change of use of two dwellinghouses to offices at Binn Eco Park, Glenfarg.**

Ref. No: 14/01970/FLL

Ward No: 9 - Almond and Earn

**Summary**

This report recommends refusal of the application for 4 wind turbines and change of use of dwellinghouses to offices as the proposal is considered to be contrary to the relevant provisions of the Development Plan as it would result in significant adverse landscape impacts and there are no material considerations apparent which are relevant to outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site extends to 115 hectares and is situated at Binn Farm Eco Park which is located 350m to the south of Binn Hill which is 277m AOD (above Ordnance Datum), approximately 2.7 km to the southwest of Abernethy and 12km to the southeast of Perth. The Binn Landfill site lies immediately to the northwest.
  
- 2 The planning application is for four wind turbines of up to 115 metres tip height with associated crane hardstandings, new and upgraded access track, a substation, a borrow pit, a temporary construction compound and a permanent meteorological mast. The proposed turbines will be 69m I height to the hub with a rotor diameter of 92m. The area where the proposed turbines are to be located lies at elevations between 184m and 225m AOD. The blade tip height of the turbines ranges between 299m and 340m AOD. The wind turbines have a capacity of between 2 and 2.3 megawatts (MW), which would provide a total site capacity for the 4 turbines of up to 9.2 MW. The applicant has advised that anything less than 8 MW generation capacity would mean that the project would not be viable. The current use of the site is mainly farmland within a wider context of the industrial buildings and infrastructure associated with Binn Eco Park and landfill site. Planning consent is also sought for the change of use of the listed Catochil Farmhouse and Catochil Cottage from residential to offices. No external or internal physical changes are proposed to these properties. Following objections raised from Historic Scotland and concerns raised by the Council's Noise Consultant further information was received and re-advertised and neighbour notified on the 3 April 2015. The further information included screen planting proposals to mitigate the impact on Balvaird Castle and clarification of properties which are proposed to be financially involved in the proposals. There were no changes made to the position or design of the turbines.

- 3 The applicant has proposed a community benefit package of at least £40,000 per annum over the 25 year operational life of the proposed development, based on a figure of £5,000 per MW. This is in line with Scottish Government recommendations at £5k per MW. This would result in a total of at least £1 million of community benefit being provided over the 25 years that the proposed development is operational.
- 4 As part of the applicant's ongoing consultation, a Community Liaison Group (CLG) has been established. The CLG includes members from 4 nearby community councils, which are Abernethy, Glenfarg, Bridge of Earn and Auchtermuchty & Strathmiglo Community Councils. The CLG enables the applicant to provide updates of the application and for the members of the CLG to discuss how the community benefit fund could be implemented.
- 5 The proposed development is located close to the Binn Eco Park and is to form an integral element of its future development. The Binn Eco Park which was established in April 2009, and is the first eco-innovation park of its kind to be established in Scotland, will eventually be based on three major industries – waste resource management, renewable energy production and food production.
- 6 Binn Eco Park is already home to a number of businesses including two waste recycling businesses, composting operations, a food waste anaerobic digestion facility and a landfill site run by SITA UK. Together they sustain almost 150 jobs. Scottish Government zero waste objectives require a substantial reduction in the amount of waste sent to landfill. As a result, the Binn Eco Park's focus is set to change over coming years, transforming it into one of Scotland's largest centres for the production of raw materials from waste and the manufacturing of products from recovered materials.
- 7 Binn Eco Park will also be a renewable energy centre from technologies including gasification, anaerobic digestion, micro hydro and third generation bio-fuels that do not involve taking agricultural land out of food production. In addition, the Binn Eco Park owners have plans to create a new Low Carbon and Clean Technology Centre, offering businesses, academic and public sector organisations training and research opportunities in the move towards a low carbon economy. It is anticipated that the Binn Eco Park will eventually support in the region of 200 jobs.
- 8 Prior to submission of the application the applicant had pre-application discussions with the Council and SNH on the methodology and detailing of the landscape and viewpoint analysis for the proposal.

## **PROCEDURAL**

- 9 Reference to the Environmental Impact Assessment (EIA) Regulations and Circular 3/2011 (Scottish Government, 2011) indicates that the proposed development falls within Schedule 2, Paragraph 3(i) of the EIA Regulations, as it is an *"installation for the harnessing of wind power for energy production*

*(windfarm) where (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.”*

- 10 A Schedule 2 development requires an EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. An Environmental Statement (ES) was submitted in support of the planning application. Prior to that, a Scoping Study was undertaken by Atmos on behalf of the applicant and submitted to the Council in October 2012. The scoping exercise was undertaken for a five turbine development, up to 125 metres (m) tip height with a maximum energy output of 15 megawatts (MW). A formal Scoping Opinion was issued by the Council on 4th December 2012 (Ref: 12/01915/SCOP). The Scoping Opinion was based on comments received from Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA), Transport Scotland, Historic Scotland, Royal Society for the Protection of Birds (RSPB), Ministry Of Defence (MOD) and Fife Council.

## **NATIONAL POLICY AND GUIDANCE**

- 11 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**

- 12 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**

- 13 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.

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

- Paragraphs 24 - 35 Sustainability

- Paragraphs 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

15 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:-

- 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**

16 This 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**

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

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

18 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**

- 19 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**

- 20 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**

- 21 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**

- 22 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.
- 23 The relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 24 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**

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

### **Policy HE2 - Listed Buildings**

- 26 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable

them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

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

- 27 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**

- 28 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**

- 29 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**

- 30 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**

- 31 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**

- 32 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**

- 33 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**

- 34 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**

- 35 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)**

- 36 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.

### **Landscape Study to Inform Planning for Wind Energy, 2010 (David Tyldesley and Associates)**

- 37 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)**

- 38 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 minimize landscape and visual impacts.

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

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

### 40 **Perth and Kinross Council Landscape Supplementary Guidance 2015**

The supplementary guidance, which was adopted on 17 June 2015, has been produced to review and incorporate an update of Local Landscape Designations into the Council's planning policy framework. It also provides further advice on the implementation of Local Development Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes within the 11 Special Landscape Areas, and will help to bring forward land management initiatives to protect and enhance these areas.

## SITE HISTORY

41 12/01915/SCOP - A Scoping Opinion was issued on 4th December 2012 incorporating comments from SNH, SEPA, Transport Scotland, Historic Scotland, RSPB, the MOD and Fife Council.

## CONSULTATIONS

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

### External

#### **SEPA**

No objections subject to conditions concerning terrestrial ecosystems, groundwater hydrology, borrow pits, peat and pollution prevention.

#### **Ministry of Defence**

No objections subject to clarification on the final turbine positions being controlled and details submitted to MOD.

#### **NATS** grounds.

No objection on aircraft safety

#### **Transport Scotland**

No objections but recommend BEAR Scotland are contacted by the developer regarding the transportation of abnormal construction loads to the site.

#### **RSPB**

No objections

<b>Historic Scotland</b>	No objections subject to conditions for planting to screen views from Blavaird Castle.
<b>Fife Council</b>	No objections but that consideration is taken of cumulative impact with any turbines in Fife.
<b>SNH</b>	<p>No objections with regard to impact on ecology and wildlife subject to appropriate conditions. As regards landscape and visual impacts it is their view that the development has:</p> <ul style="list-style-type: none"> <li>• An adverse landscape and visual impact on the landscape character of the area and on the landmark feature of the Lomond Hills Special Landscape Area, predominantly due to the size, scale and lay-out of the turbines.</li> <li>• Adverse cumulative visual impacts with the wind farms at Lochelbank and Greenknowes, due to the design of the scheme.</li> </ul> <p>SNH also suggest that amendments such as a reduced turbine height and a revised layout could be made to this proposal, to allow it to relate better to the local and wider landscape context, and to neighbouring schemes.</p>
<b>Abernethy Community Council</b>	No response received.
<b>Glenfarg Community Council</b>	No response received.
<b><u>Internal</u></b>	
<b>Environmental Health</b>	No objections subject to conditions concerning noise mitigation and shadow flicker.

## Transport Planning

No objections subject to a condition requiring a Construction Traffic Management Scheme.

## Flooding Section

No objections

## REPRESENTATIONS

43 A total of 143 letters of representation have been received, including 77 objections and 66 in support of the proposal raising the following issues:

- Impact on health
- Noise impact
- Impact on residential amenity
- Loss of agricultural land
- Loss of trees
- Impact on historic environment
- Impact on wildlife/hazard to sea eagles
- Flooding
- Impact on drainage/hydrology
- Impact on private water supplies
- Impact on recreational use in the area
- Contrary to local plan policy
- Wind turbines are not within 'eco park' boundary
- Safety issues associated with the turbines
- The ES does not identify all of the visual impact to residences nearby
- Micrositing should be resisted
- Economic benefits of the proposal are limited
- Not in accordance with supplementary guidance on wind energy
- Impact from shadow flicker

## ADDITIONAL STATEMENTS

44	Environment Statement	Submitted
	Screening Opinion	The applicant proceeded straight to requesting a scoping opinion on the assumption that an EIA would be required for the development.
	Environmental Impact Assessment	Required
	Appropriate Assessment	Not required.
	Design Statement / Design and Access Statement	Not required.
	Report on Impact or Potential Impact	Submitted

## **APPRAISAL**

- 45 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.
- 46 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.
- 47 In terms of TAYPlan, Policy 6 is directly applicable as are the aforementioned Policies of the approved Development Plan.
- 48 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.
- 49 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. Policy ER6 of the Development Plan seeks to protect the landscape qualities of Perth and Kinross.
- 50 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 and Perth and Kinross Council's Supplementary Guidance for Wind Energy Proposals 2005.
- 51 Accordingly, based on the above, it is considered that the key determining issues for this proposal are: a) whether or not the proposal will have an unacceptable impact on the visual amenity and landscape character of the area; b) whether the proposal will have an adverse impact on any neighbouring residential amenity; c) whether or not the proposal is compatible with the surrounding land uses; d) whether or not there will be an adverse impact on any protected species and/or habitats; and e) 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.

### **Site Selection**

- 52 The main purpose of the application is to expand, support and secure the future development of the main industries at Binn Eco Park through the provision of sustainable renewable energy production. The proposal will significantly reduce carbon emissions at the park and make an important contribution towards Scottish Government's renewables and climate change policy targets.

53 Binn Eco Park is located within the Broad Area of Search as identified under Policy 1 of Perth and Kinross Council's Supplementary Planning Guidance for Wind Energy Proposals 2005, where the Council will encourage the development of commercial wind energy schemes which assist in achieving Scottish Government's renewable energy targets and also community wind energy schemes to provide local electricity needs in locations least damaging to landscape character, amenity, habitats and protected species in Perth and Kinross. The application site is not within a 'sensitive area' as identified by the Council's supplementary policy guidance in terms of landscape, biodiversity, or aviation constraints. However, the site does lie within the recently designated Ochil Hills Special Landscape Area (SLA). One of the specific objectives in the adopted Landscape Supplementary Guidance is to ensure particular care in siting and design of potentially intrusive structures such as masts and wind turbines.

54 The main advantages of the proposed site are considered to be:-

- Renewable energy is an integral element of the Binn Eco Park
- Located close to an existing industrial site
- A high mean annual wind speed at the site
- There are no aviation safeguarding constraints
- The nearest designated sensitive ecological area is approximately 690 m from the closest section of infrastructure (Turflundie Wood, which is a designated SSSI and SAC due to the Great Crested Newt and Smooth Newt breeding populations)
- Available grid connection in close proximity to the site
- Suitable road access
- The proposed development site is large enough to accommodate the proposed development without substantially affecting the current agricultural and waste management operations;

### **Landscape and Visual Impact**

55 Prior to submission of the application, the applicant had pre-application discussions on the methodology and detail of the visual analysis to be undertaken for the proposal with the Council and SNH. The viewpoint analysis considered the visual impact of the proposals from 25 viewpoints and the LVIA was based on a study area of 35 km from the proposed development. The Cumulative Landscape and Visual Impact Assessment (CLVIA) considered the relationship between wind farms and single turbines within a 70 km search area. The blade tip ZTV illustrates that the theoretical visibility of the proposed development is mostly concentrated to the northeast, northwest, south east and south west of the site.

56 The LVIA indicates that within "5 km of the proposed development, approximately 58% of the blade tip visible zone has theoretical visibility". From higher ground, this is mainly of all four turbines. A large proportion of the TAY 8b Igneous Hills: the Ochils landscape unit, has theoretical visibility of four turbines, mostly on higher slopes, including the site and immediate vicinity, and

an area of land between Lochelbank and Glen Farg and approximately 1.2 km of the M90 north of Glen Farg. Abernethy and part of the A913 has theoretical visibility of between one and three turbines at blade tip. Most of the wooded lower slopes to the northwest of Binn Hill and areas of lower-lying ground, particularly along Glen Farg and Glenfoot, have no visibility of the proposal. The turbines would be particularly visible from the higher parts of the Lomond Hills SLA.

- 57 There are 70 residential properties which lie within 2km of the nearest turbine. The LVIA concluded “that approximately 36 properties have no theoretical visibility and no visual effects were predicted for these properties.”
- 58 Of the 34 dwellings that would have theoretical visibility 9 of these “would have no views from either the curtilage or dwelling due to screening by outbuildings, nearby woodland, trees, and/or garden vegetation.” Detailed assessments from the two viewpoints lying within 2 km of the proposed development (Castle Law Fort and Balvaird Castle), predict a medium to large magnitude of visual effect. The magnitude of visual effect will vary depending on intervening topography and orientation. For those with direct open views from dwellings or within the curtilage, residents are predicted to experience a medium or med to large magnitude of effect, giving rise to moderate to major (significant) visual effects. This would affect approximately 17 of the 70 dwellings within 2 km.
- 59 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 ‘Igneous Hills’ classification. Within this landscape unit it is recommended that any wind farm development should be steered away from exposed and steep ridgelines and summits and from locations where their visual influence would extend both north and south. Consideration should be given to potential areas with shallow bowls and valleys away from ridges. It is also recommended to maximise the amount of ‘backclothing’ provided by the natural landform and consider steering development to modified landscape areas already affected by masts, roads or forestry and other man made intrusions. The Council’s Supplementary Landscape Guidance 2015 identifies that the forces for change in the Ochils include felling of coniferous forest plantations, expansion of native woodland, development of single wind turbines and wind farms, as well as pylons and other tall structures. The objectives of this guidance in relation to masts and wind turbines is that there should be care taken in the siting and design of these potentially intrusive structures.
- 60 The land use character within and around the site is diverse, with a mix of arable farmland, improved grassland, permanent pasture, areas of scrub vegetation, small mixed woodlands and some larger conifer plantations. Field boundaries are generally post and wire fences with most features following the landform and there is no strong pattern evident. A number of dispersed dwellings and farmsteads lie nearby, some of which are set within woodland. The Binn Eco Park landfill site and waste management centre occupies an extensive area of land within the vicinity of the site, comprising numerous industrial buildings and waste treatment areas which generate industrial

activity, noise and movement that is noticeable within the vicinity of the site. The eco park is generally screened from the wider landscape by the low hills around the site. The highest point of the site is Binn Hill (277 m AOD), where the telecommunications infrastructure includes a 45 m high mast.

- 61 It is considered that the proposed wind turbines sited in close proximity to the modified landscape at Binn Eco Park will not have an adverse impact on the local landscape character which arises from the bowl-like topography. The wind turbines will however protrude above the said bowl and are considered to impact significantly on the wider landscape character. SNH have concerns that the proposed turbines would be a prominent and widely visible feature, where rotors and blades would be visually obvious on the horizon in many views from lower ground within the wider landscape.
- 62 The turbines would also be a particularly prominent feature from higher ground, such as the Lomond Hills SLA, where the size of the turbines would be out of scale with other landscape elements and have a significant visual impact. This is contrary to Policy ER1A of the Development Plan which seeks protect the visual integrity of renewable proposals and Policy ER6 which seeks to protect the visual amenity elements of the landscape.

### **Cumulative Visual Impact**

- 63 The proposed development would be located within the TAY 8b Igneous Hills: the Ochils Landscape character unit of the TCLA. There are other wind turbine developments within this unit including East Blair Farm, Easter Fordel Farm, Greenknowes, Lochelbank, Temple Hill and Turflundie, whilst Scottish Offroad Driving Centre would lie on the boundary with Strathmiglo and Lumbennie Hill, Raemore Farm and Pitmedden Farm are or would be located within the Upland Hills: The Ochils unit.
- 64 The submitted LVIA argued that the proposed development would reflect the pattern of well-spaced large scale wind farms located in the Ochil Hills, established by Greenknowes and Lochelbank. It would be viewed within the context of the undulating upland ridge of the eastern Ochil Hills where the smaller turbines at Turflundie, Pitmedden Farm, Bannaty Farm and Easter Fordel Farm all are within 5 km of the proposed development. Lochelbank is the closest large scale wind farm, with which the proposed development would most often be experienced simultaneously. According to the LVIA the proposed development would generally appear less extensive, although more noticeable from some locations particularly from the Lomond Hills.
- 65 However, it is the view of SNH that the existing proposal would result in some adverse cumulative landscape impacts in combination with two existing Ochil wind farms. This is due to the lack of consistency of scale and design with the existing wind farms in the area. The Binn Eco Farm turbines would be seen in combination with Lochelbank and sometimes Greenknowes from popular key viewpoints such as Kinnoull Hill, the Lomond Hills and Loch Leven National Nature Reserve at RSPB's Vane Farm and in many other views from the wider landscape in Fife and Strathearn. The turbines would be noticeably larger and

have different proportions to the existing turbines at Lochelbank. The scheme would represent an obvious change in pattern in relation to existing Ochil wind farms. SNH also state that the turbines are noticeably larger and have different proportions to the existing turbines at Lochelbank.

- 66 Whereas Lochelbank wind farm is set back from the smaller scale landscape character areas of the Fife Upland and Lowland Hills and Valleys, the Binn Eco Farm proposal would be more associated with this smaller scale landscape. This creates an inverse relationship of larger turbines seen in a smaller scale landscape next to smaller turbines, seen set back in a larger scale landscape. This highlights the different design of this scheme and creates a change of pattern. The scheme would be visible alongside Lochelbank wind farm from Strathearn, with large rotors being partly visible alongside smaller completely visible rotors of Lochelbank. From RSPB's Vane Farm, part of Loch Leven National Nature Reserve (VP 21), the three schemes of Binn Farm, Lochelbank and Greenknowes would be seen in combination and succession. In this cumulative view, the Binn turbines would break with the existing pattern and scale, with fewer turbines of much larger rotors and height, causing adverse cumulative impact. Similar adverse cumulative impacts of the three schemes in combination would affect views from the Lomonds SLA (VP12). SNH also comment that from the popular viewpoint on Kinnoull Hill, a varying extent of large turbine rotors and blades would be prominently visible on the horizon, creating a confusing and complex new focal point next to the landmark silhouettes of the Lomond Hills.
- 67 SNH consider amendments such as a reduced turbine height and a revised layout could be made to this proposal which could allow it to relate better to the wider landscape context and to neighbouring schemes. However, a balanced layout and good design, which could have mitigated the widespread visibility and prominence of the turbines, has not been achieved by the proposal as it currently stands.
- 68 It is concluded that the cumulative visual impact of the proposal as submitted would be significantly adverse with other wind farm developments and therefore contrary to Policy ER1A and ER6 of the Development Plan.

### **Sequential Visual Assessment**

- 69 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. Given the proximity of the application site to Lochelbank, which is only 5.3km to the west, it is considered that the relationship between the proposed development and Lochelbank in particular has the greatest potential for sequential cumulative visual impact.

The applicant provided a sequential assessment in the LVIA where the public following roads were cumulatively assessed in detail:

- Leden Urquhart Road between Abernethy Glen and the A912

- M90; and  
A90

- 70 The Leden Urquhart road passes within 1.7 km to the south of the proposed development connecting Abernethy Glen to the A912, and there is some combined theoretical visibility with a number of developments including Greenknowes, Lumbennie Hill and Lochelbank. There is predicted to be a significant cumulative effect to users of the Leden Urquhart road, however combined visibility only extends for 900 m east and west, so any effects would be limited to a 900 m stretch.
- 71 The A912 would have views of the proposed development, at distances between 3km and 12 km from the site. Lochelbank, Lumbennie Hill and Melville Wood have the greatest extent of theoretical visibility of the route, amounting to over 40%. Within 5 km of the proposed development some of the route sections with theoretical visibility would be screened by small landforms and intervening woodlands, although intermittent views of some developments would occur, including some in combination with the proposed development. When considering the relatively long duration of open combined views on the A912, road users are likely to experience a medium magnitude of effect along these sections and with the variation in combined views as you travel along this road it is agreed that the effect is considered to be not significant.
- 72 Regarding views from the M90, the LVIA stated that 22% of the M90 would have open views of the development, at distances between 3km and 20 km from the site. Of all cumulative sites, Lochelbank has the greatest extent of theoretical visibility (approximately 21% of the entire route). Roadside woodlands and embankments and intervening topography would provide screening along the M90, for distances of up to 2 km. Within 5 km of the development. There are two open sections of 1 km in total where mostly open direct views are likely of the proposed development and this will be in combination with Lochelbank and other schemes. The section of the M90 north of Balmanno is considered to be most affected. When considering the extent of combined visibility along the M90 as a whole, much of the actual visibility will however be at longer distances.
- 73 As regards the A90, the submitted survey suggests that approximately 18% of the A90 would have open views of the proposed development at distances of between 7km and 24 km from the proposed development. The LVIA indicates that Lumbennie Hill and Lochelbank would have the greatest extent of theoretical visibility (30% and 23% of the route respectively). This route is screened by woodland and buildings, limiting the open combined views of the proposed development and other proposals. On this route, the development would result in a significant change, but one that would affect a small overall proportion of the wider view.
- 74 The opportunity for long combined views of the proposal together with Lochelbank along the above routes is considered to be limited due to intervening topography, road orientation and natural and man-made screening.

It is considered that the overall sequential cumulative impact between the proposed development and Lochelbank is considered to be significant, although it will not be significantly adverse as you travel along these routes.

### **Compatibility with Existing Land Uses**

- 75 As far as compatibility with existing land uses is concerned, 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 on or surrounding the site. There will be no loss of prime agricultural land and the proposed turbines will not have any adverse impact on farming practices at Binn Farm. It is considered that the proposal is compatible and complementary to the functional operation of Binn Eco Park. In terms of the impact on any existing residential properties Environmental Health have raised no objections regarding noise related issues and shadow flicker subject to suitable conditions on any consent, if one were to be issued. The proposed turbines will not have any adverse impact on any recreational routes or paths within the vicinity of the application site. There is generally no conclusive evidence to suggest that wind farm development has an adversely negative impact on countryside recreational use.

### **Ecology and Wildlife**

- 76 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 not being located within a 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.
- 77 The application site consists of farmland under rotation which provides both improved and disturbed habitats. There are a number of small water bodies on site with narrow drains feeding off site watercourses. It is considered that the proposed site does not provide good quality foraging habitat for otter or bats. A single adult male Great Crested Newt was found in a pond on the application site and mitigation is proposed to avoid any potential impact during construction and decommissioning. There are no objections raised from SNH or SEPA subject to conditions being recommended on any consent on the ground water environment, pollution prevention and for the survey of protected species and the implementation of a watching brief by an independent Ecological Clerk of Works. There were concerns raised by objectors on the impact of the proposals on ornithology. The proposed development is located in an area designated as being of low sensitivity by the RSPB and they have no objections to the proposed development in terms of any impact on birdlife. There will be no trees lost as a result of the proposal.

## **Cultural Heritage**

- 78 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. The cultural heritage assessment looked at the possible impacts of the proposal on cultural heritage assets within close proximity to the application site and possible impacts on the settings of heritage assets within the wider landscape.
- 79 In relatively close proximity to the site are 'Catshill' which is a category 'B' listed building and Balvaird Castle which is a Scheduled Monument and category 'A' listed building. In the wider landscape surrounding the site, there is a mixture of cultural assets including castles, Iron Age forts, Roman camps and medieval burghs.
- 80 Concerns were raised by objectors on the impact of the proposal on the historic environment and Historic Scotland had initial objections on the impact that the proposals would have on the setting of Balvaird Castle. Following the submission of additional information and mitigation measures for screening the development from Balvaird Castle through planting, Historic Scotland withdrew their objection.
- 81 The turbines will be clearly visible in views looking south from the Castle Law Fort, above Abernethy. However, whilst these turbines clearly represent the addition of substantial modern structures into a landscape that is otherwise comparatively open, Historic Scotland do not consider that the key outward views from the fort looking to the lower ground will be impacted upon, and neither will reciprocal views looking up from lower ground.
- 82 There are no objections raised to the change of use of the listed Catochil Farmhouse and Catochil Cottage to offices as there are no external or internal changes proposed to the fabric of the listed building.
- 83 Within the context of the industrial man-made landscape around the Eco Park, it is my overall conclusion that the proposed development will not have any significantly adverse impact on cultural heritage assets within the vicinity of the site.

## **Traffic and Road Safety**

- 84 The likely increases in traffic volumes as a result of the construction phase of the proposed development have been predicted. The construction programme estimates the duration of construction activity to be approximately nine months. The predicted traffic flows take into account specific construction activities and associated HGV trip generation. The potential effects associated with the construction traffic on site will be reduced through the use, where available, of existing access tracks within the proposed development site, reducing construction materials required. In addition, borrow pits may be utilised to reduce the need to import aggregate to site. This will be confirmed prior to

construction. There will be no significant vehicle movements during the operational phase of the development.

- 85 There are no objections to the proposed development on traffic or road safety grounds from the Council's Transport Planner or from Transport Scotland on the impact of the proposal on the trunk road network subject to a condition being recommended on any consent for a Construction Traffic Management Scheme and an informative for the applicant to consult with BEAR Scotland on the transportation of infrastructure and turbines to the site.

### **Economic Benefits**

- 86 The anticipated economic benefits of the proposed development are important material considerations within the context of supporting the operation and development of Binn Eco Park, which is a significant employer within Perth and Kinross, currently employing around 150 employees. Securing such economic and employment benefits can be recognised as consistent with key Scottish Government and Development Plan objectives for the economy. The proposal will also provide a considerable level of community benefit through a proposed package of at least £40,000 per annum over the 25 year operational life of the proposed development, based on a figure of £5,000 per MW. However, the economic and employment benefits, renewable energy contribution and carbon reduction associated with the proposed development have to be balanced against the potential significant adverse effects on local environmental quality.

### **Renewable Energy Generation**

- 87 The generation of renewable energy production is an important consideration for the operational future of Binn Eco Park and will provide financial benefit for the wider community through the proposed community fund. This is considered to be in accordance with the goals of sustainable development and accords with the principles and ethos of the park as a significant renewable energy centre within the Scottish economy. It is accepted Scottish Government policy that there is a need to increase the amount of electricity generated from renewable sources in order to reduce reliance on fossil fuels and that wind power plays an important role in this aim. The potential electricity generated at Binn Eco Park by the proposal (9.2MW) will offset the need to generate electricity from fossil fuels where it is estimated by the applicant that the proposal could displace between 7723 tonnes (gas) and 17733 tonnes (coal) of CO<sub>2</sub> emissions each year of generation. It is estimated that the electricity generated would be able to provide electricity for the equivalent of up to 4623 homes.

### **Shadow Flicker**

- 88 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.

- 89 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. The rotor diameter for the proposed turbines is 92m and therefore properties within 920m of the turbines may be susceptible to shadow flicker. The Mountquarry House is around 500m from the nearest turbine, which will sit to the south-west, and would be clearly affected by shadow flicker. In the ES, it is concluded that the potential for shadow flicker has been assessed for the surrounding properties, where it is seen that there is potential for shadow flicker levels to exceed the guidelines of 30 minutes in a single day or 30 hours in a single year.
- 90 In order to mitigate shadow flicker satisfactorily and protect residential amenity, Environmental Health have recommended that a condition be applied on any consent, whereby prior to commencement of the development, the applicant shall submit a scheme for an operational protocol for the assessment of any complaints of shadow flicker. This condition is similar to one applied by a Scottish Government Reporter on the consented Tullymurdoch wind farm development. Whilst I do not consider such a condition is ideal, as it may be problematic to enforce, there is an established precedent for it’s use.

### **Aviation**

- 91 Wind turbines have been identified to have detrimental effects on the performance of MOD Air Traffic Control and Range Control radars. These effects can desensitise radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers must treat as real. If radar is desensitised it 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.
- 92 The height and location of the proposed wind turbines has been assessed by the MOD and they have advised that they do not object to the proposed turbines. 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**

- 93 Policy EP8, states a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses.
- 94 There are 6 properties which are financially involved with the proposal (FI properties). Such an involvement allows a greater acceptable noise threshold to be applied in assessing the noise impact from the proposed turbines. In consultation with Environmental Health, it has been confirmed that the noise

modelling in the ES is acceptable and that initial concerns over the continued status of FI properties has been resolved subject to a suitable condition being applied to maintain financial involvement throughout the operational life of the proposal. The appropriateness of a condition in this respect to ensure continued financial involvement has been confirmed by the Council's Legal Services.

- 95 A noise consultant commissioned by the Council has advised that there are 10 noise sensitive properties within the 35dB turbine noise contour. Of these, six are claimed to be 'financially involved', although it is not clear to what extent. Mountquharry House, Easter Catochil, West Bungalow and Binn Farmhouse will, according to the consultant, suffer a major loss of amenity due to noise during the day and the same properties plus Gamekeepers Cottage and Binn Farm Cottage will suffer a major loss of amenity at night. Notwithstanding this, Environmental Health considers that the proposal is acceptable in terms of noise impact in relation to overall neighbouring residential amenity, subject to conditions applied on any consent to ensure that noise generated from the proposal is within the accepted tolerable levels.

### **Hydrology and Private Water Supplies**

- 96 Concerns were raised by objectors about the impact of the proposals on private water supplies in close proximity to infrastructure associated with the proposed development. In order to mitigate any adverse impact it is proposed to reduce and control runoff from the access tracks using best practice and controlled through the Construction Method Statement and water quality management plan, preventing and managing spills and leakage and preventing concrete contamination of ground water and surface water and protection of private water supplies. SEPA have no objections with regard to hydrology subject to conditions being attached to any consent to mitigate ground water and surface runoff impacts from the development.
- 97 Local private water supplies, in particular the Mountquharry House and Grampian House supplies, have been acknowledged in the environmental investigations already completed in the EIA. Environmental Health therefore recommended that the proposed water quality management plan should include full details of the sources, infrastructure including treatment and properties served by private water supplies arising within, or likely to be affected by the development. Details of the proposed nature and frequency of baseline water supply monitoring prior to commencement, during and subsequent to completion of the development must also be included. Details of proposed methods of alerting affected individuals as a result of a contamination issue arising from the development should be included along with alternative water supply arrangements. To maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance a suitable condition and informative is recommended on any consent.

## **TV reception**

- 98 It is not anticipated that the proposed turbines 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. With respect to the above assessment, despite the proposal having important economic, employment and environmental benefits, with a significant proposed reduction in carbon emissions in accordance with national energy policy, it is considered that the proposal as submitted does not comply with the aims and policy objectives of the approved TAYplan 2012 and the adopted Local Development Plan 2014 with regard to adverse landscape and visual impacts.
- 102 The applicant proposes to provide community benefit over the operational lifetime of the development. It is considered that the principle of renewable energy production is acceptable within the vicinity of the eco park and is an important factor in the future operation and development of the park. However, it is considered that the scale and design of the proposals as submitted is unacceptable and will have a significantly adverse impact on the landscape character and visual amenity of the wider area around the site, contrary to Policies ER1A and ER6 of the Local Development Plan.

### **A Reason for Refusal**

Due to the scale and design of the proposed turbines it is considered that they will have a significantly adverse impact on the landscape character and the visual amenity of the wider area around Binn Eco Park, contrary to Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.

### **B JUSTIFICATION**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**C PROCEDURAL NOTES**

None

**D INFORMATIVES**

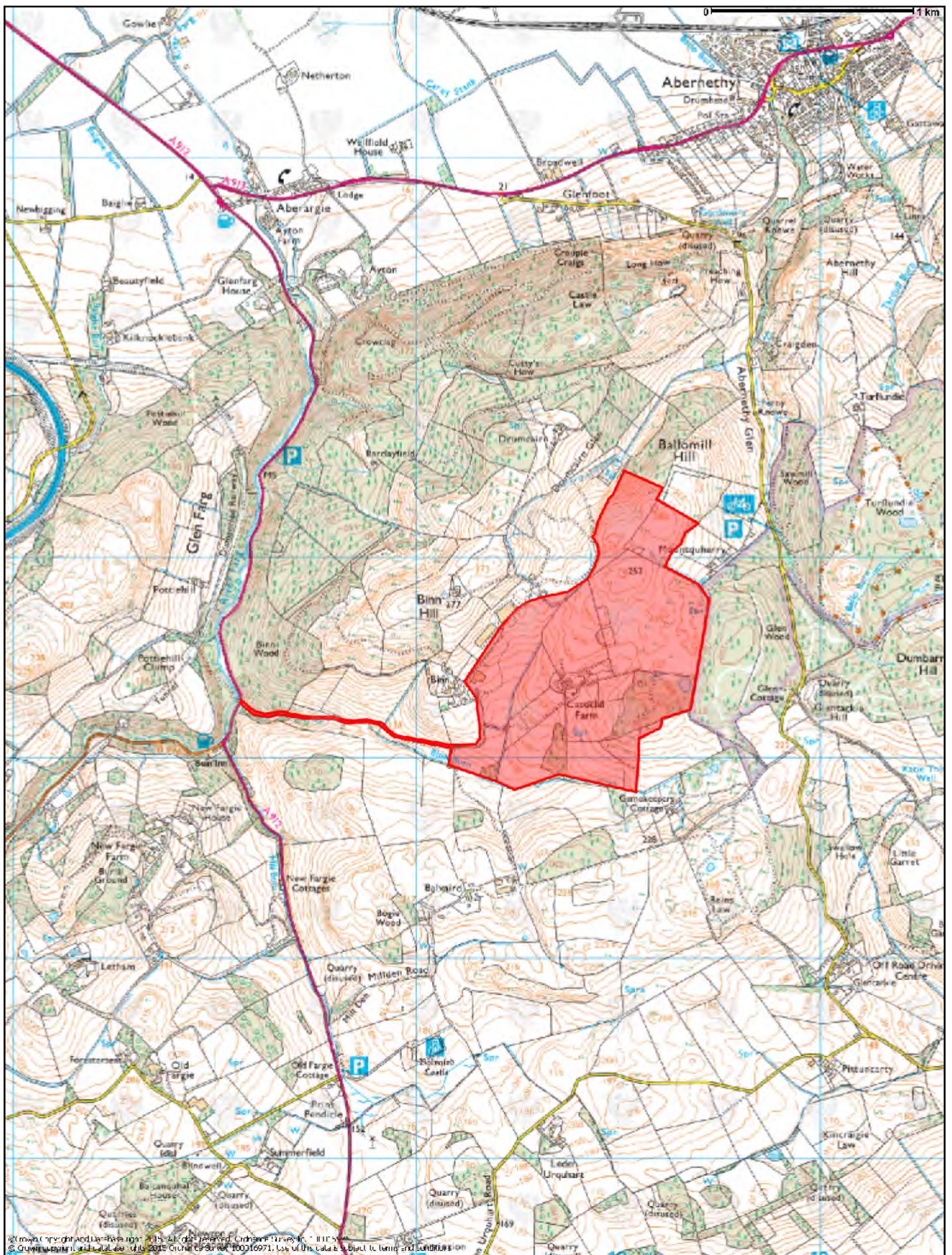
None

Background Papers: 143 letters of representation  
Contact Officer: Mark Williamson Ext 75355  
Date: 1 July 2015

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

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**Development Management Committee**



Scale 1:25000

**14/01970/FLL**

Erection of four wind turbines, ancillary infrastructure and change of use of two dwellinghouses to offices at Binn Eco Park Wind Farm, Glenfarg



