

Perth and Kinross Council
Development Control Committee – 16 September 2015
Report of Handling by Development Quality Manager

**Erection of twenty five wind turbines and ancillary works on land at
Crossburns near Aberfeldy.**

Ref. No: 14/00003/WIND
Ward No: N4 - Highland

Summary

The Scottish Government Energy Consents and Deployment Unit (ECDU) has received an application for consent under the Electricity Act 1989 to construct and operate a wind farm comprising 25 x 110m wind turbines measuring 68.5m to hub and 115m to blade tip and associated works for West Coast Energy Ltd on land at Crossburns near Aberfeldy. The windfarm would have a maximum generating capacity of 75 megawatts (MW). Perth and Kinross Council is a statutory consultee and this report seeks approval for the Council's response to the consultation. It is recommended that Perth and Kinross Council objects to this proposal.

This report recommends refusal of the application for the erection of twenty five turbines and associated infrastructure at Crossburns near Aberfeldy as the location, prominence, scale and layout of the proposed windfarm has an unacceptable and adverse impact on the Loch Rannoch and Glen Lyon National Scenic Area and Loch Tummel National Scenic Area, the immediate landscape character as well as the wider landscape setting. Additionally the windfarm has a significant and unacceptable visual impact on residential, recreational and tourist receptors. These landscape and visual impacts are further exacerbated due to the interaction with operational windfarms which ultimately leads to an unacceptable cumulative landscape and visual impact. This would be further exacerbated when the planning approval now granted at appeal for Calliacher North application becomes operational.

As the magnitude of the adverse effects associated with the development are significant and environmentally unacceptable, the proposal is not considered to comply with the overriding thrust of the Development Plan and there are no material considerations of sufficient weight which would justify departing from the Development Plan. Accordingly the application is recommended for refusal..

PROPOSAL

- 1 The windfarm application site is approximately 1,570 hectares in area and predominantly consists of upland moorland used for managing grouse and sheep grazing. The site is located 4km to the south west of Aberfeldy and is located in a valley basin associated with the Urlar Burn and is predominantly surrounded by hills including Craig Hill at 563m and Meal Dun Dhomhnuill at 631m. To the south (5km) of the site is Glen Quach Valley and east of the site is the operational Calliacher Windfarm. There is a small group of residential properties located immediately north of the site. The site is transected by the

existing and currently under construction Beaulieu Denny transmission line. Immediately west of the site is the Rob Roy Way a popular walking and cycling route for visitors to the area.

- 2 The proposal involves the erection of twenty five turbines between 350m and 631m AOD. The turbines would be on hubs at a height of 68.5m with 93m diameter rotors giving a maximum blade tip height of 115m, each turbine would have a crane hardstanding adjacent to the turbine base and an external transformer.
- 3 Access to the site will be gained from the A826 where there is an existing junction into the coniferous plantation. To accommodate windfarm traffic the existing 4.4km access tracks would be upgraded and a further 15.7km of new sections of access track created to access the turbine bases. In total there would be 20.1km of track required to facilitate the windfarm development. It is proposed that material from within the site will be used for the construction of access tracks and hardstandings but three potential borrow pits have been identified within the site for which material, should it be required. Underground cables would connect the turbine to the electrical control building. The grid connection point for the scheme is not prescribed but is expected to be with the adjacent Beaulieu Denny transmission line.
- 4 The applicant expects the development to have an operational life span of twenty-five years. Construction would take approximately 18 months with decommissioning taking a further 12 months. The maximum combined output of the twenty five turbines is dependent on the final turbine selection however the applicant has confirmed that the generating capacity of each turbine would be up to 3 megawatts (MW). This would result in the development having a total potential generating capacity of up to 75MW.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 Directive 2011/92/EU requires the 'competent authority' (and in this case Scottish Government's Energy Consents Development Unit) when giving consent for particular large scale projects, to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 6 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 7 The Environmental Statement supports the Section 36 application and is a key part of the submission.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

8 In addition to the Environmental Statement the applicant has also submitted the following documents in support of the application.

- Pre-application Consultation Report
- Planning Statement
- Design and Access Statement

Pre-application Consultation Report

9 Under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 this proposal is defined as a Section 36 application due to the electricity generating capacity of the twenty five turbine proposal exceeding 50 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.

10 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the measures agreed through the Proposal of Application Notice with the Scottish Governments Energy Consents Deployment Unit (ECDU).

Planning Statement

11 The Planning Statement considers the proposal in the context of the Development Plan framework and other material considerations including national policy and guidance and local guidance. It concludes, in the developer's view, that overall the proposal accords with national, regional and local development plan policies.

Design and Access Statement

12 The Design Statement highlights that a set of design objectives were set at the outset which allowed alternative layouts to be tested against the objectives. The final and submitted layout represents the applicant's design solution.

NATIONAL POLICY AND GUIDANCE

13 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy 2014 (SPP) and Planning Advice Notes (PAN).

National Planning Framework

14 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans

and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 15 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.
- 16 Of relevance to this application are,
- 17 A successful Sustainable Place
- Paragraphs 74 – 83: Promoting Rural Development
 - Paragraphs 92 – 108: Supporting Business & Employment
 - Paragraphs 135 – 151: Valuing the Historic Environment
- 18 A Low Carbon Place
- Paragraphs 152 - 174: Delivering Heat & Electricity
 - Paragraphs 175 – 192: Planning for Zero Waste
- 19 A Natural, Resilient Place
- Paragraphs 193 – 218: Valuing the Natural Environment
 - Paragraphs 219 – 233: Maximising the Benefits of Green Infrastructure
 - Paragraphs 242 – 248: Promoting Responsible Extraction of Resources
 - Paragraphs 254 – 268: Managing Flood Risk & Drainage

Planning Advice Notes

- 20 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 3/2010 - Community Engagement
 - PAN 1/2011 - Planning and Noise
 - PAN 2/2011 - Planning and Archaeology
 - PAN 1/2013 - Environmental Impact Assessment
 - PAN 40 - Development Management
 - PAN 51 - Planning, Environmental Protection and Regulation
 - PAN 60 - Planning for Natural Heritage
 - PAN 61 - Planning and Sustainable Urban Drainage Systems

- PAN 68 - Design Statements
- PAN 69 - Planning & Building Standards Advice on Flooding
- PAN 75 - Planning for Transport
- PAN 79 – Water and Drainage

Onshore wind turbines – Online Renewables Advice December 2013

- 21 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 22 The topic guidance includes encouragement to planning authorities to:
- Development spatial strategies for wind farms;
 - Ensure that Development Plan Policy provide clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects.
 - The involvement of key consultees including SNH in the application determination process;
 - Direct the decision maker to published best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.
- 23 In relation to any assessment of cumulative impacts it is advised that:
- 24 *In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines, either as standalone groups or extensions to existing wind farms. In other cases, where proposals are being considered in more remote places, the threshold of cumulative impacts is likely to be lower, although there may be other planning considerations.*
- 25 *In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.*

DEVELOPMENT PLAN

- 26 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 Approved February 2014.

TAYplan Strategic Development Plan 2012

- 27 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.”*
- 28 The principle relevant policies are:

Policy 2: Shaping Better Quality Places

- 29 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

- 30 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

- 31 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN FEBRUARY 2014

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

Policy PM1A - Placemaking

- 34 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF2 - Public Access

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

Policy HE1A - Scheduled Monuments

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

Policy HE1B - Non Designated Archaeology

- 40 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

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

Policy NE1A - International Nature Conservation Sites

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

Policy NE1B - National Designations

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

Policy NE1C - Local Designations

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

Policy NE2A - Forestry, Woodland and Trees

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

Policy NE2B - Forestry, Woodland and Trees

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

Policy NE3 - Biodiversity

- 47 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

- 48 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

- 49 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 ER1B – Extensions of Existing Facilities

- 50 Proposals for the extension of existing renewable energy facilities will be assessed against the same factors and material considerations as apply to proposals for new facilities.

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

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

Policy EP2 - New Development and Flooding

- 52 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP5 - Nuisance from Artificial Light and Light Pollution

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

Policy EP8 - Noise Pollution

- 54 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

- 55 This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005.
- 56 The Council recognises that following the publication of the Scottish Planning Policy in 2010 and 2014, it is necessary to revisit and refine the precise wording of its supplementary planning guidance on wind energy, to ensure that it provides the most up-to-date and helpful guidance for both developers and the Council in its consideration of planning applications for wind energy developments. I therefore consider that although the presence of this document should be noted, its weighting in the determination of this planning application should be limited.
- 57 In this particular case the site is located within a 'Broad Area of Search' in the Council's WEPG, where Community and Commercial wind farms will be supported where they are consistent with the Council's detailed Policy Guidelines.

Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages

- 58 This guidance provides advice on the selection and identification of viewpoints, photography standards and photomontage standards.

Tayside Landscape Character Assessment (TLCA) 1999

- 59 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.
- 60 For clarification the site is located within the Highland Summits and Plateaux Landscape Character Type (LCT) 3.

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

- 61 This study is strategic in nature and concentrates on landscape character and visual amenity and designations and associated policies are not taken into account. It adopts the landscape character types identified in the Tayside Landscape Character Assessment 1999 and divides them into smaller units. The site is located within Unit H3 'High Summit and Plateau: Tay - Cochil – Brann'.

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

- 62 This document informs 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.
- 63 At the outset, the author of the Study, states that the document should not be used in the determination of individual planning applications. .i.e. this study will provide only one ‘layer’ of information to inform that work.
- 64 The process of determining the methodology in this document was agreed through a steering group and consultation with landscape consultants. The results of that consultation can be found in Appendix A of Appendix C of the document.
- 65 Although this document will form part of a strategic planning framework and the report should not be used in isolation, or to ‘test’ proposed wind farm developments, there are elements of the study which are useful in the consideration of the application but the weighting that can be attached to this technical report is limited.
- 66 The site lies within the High Moorland Plateau Landscape Type 3b and within the smaller Landscape Unit referred to as 3b (v) Meall Dearg/Meall a’ Choire Chreagaich. The operational Calliacher Windfarm is also located within this unit.

Perth and Kinross Local Landscape Areas Supplementary Guidance June 2015

- 67 This supplementary guidance has been prepared to support Local Development Plan Policy ER6 *"Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes"*. The supplementary guidance provides a review of local landscape designations and received approval by Scottish Ministers on 17 June 2015 and has been adopted by the Council from this date.
- 68 For clarification the majority of the application site is within the Local Landscape Unit 17 – Meall Dearg and Craigvinean Forest. The southern part of Crossburns wind farm lies within Glen Quaich SLA but no turbines are proposed within it. The northern part of the application site also abuts two other SLAs; Loch Tay SLA and Upper Strath Tay SLA.

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

- 69 Glasgow Caledonian University was commissioned in June 2007 to assess whether Government priorities for wind farms in Scotland are likely to have an economic impact – either positive or negative – on Scottish tourism. The objectives of the study were to:
- Discuss the experiences of other countries with similar characteristics.
 - Quantify the size of any local or national impacts in terms of jobs and income.
 - Inform tourism, renewables and planning policy.
- 70 The overall conclusion of this research is that the Scottish Government should be able to meet commitments to generate at least 50 per cent of Scotland's electricity from renewable sources by 2020 with minimal impact on the tourism industry's ambition to grow revenues by over £2 billion in real terms in the 10 years to 2015.
- 71 Four parts of Scotland were chosen as case-study areas and the local effects were also found to be small compared to the growth in tourism revenues required to meet the Government's target. The largest local effect was estimated for 'Stirling, Perth and Kinross', where the forecasted impact on tourism would mean that Gross Value Added in these two economies would be £6.3 million lower in 2015 than it would have been in the absence of any wind farms (at 2007 prices). The majority of this activity is expected to be displaced to other areas of Scotland, and the local effect on tourism should be considered alongside other local impacts of the developments – such as any jobs created in the wind power industry itself. This is equivalent to saying that tourism revenues will support 339 jobs less in the Stirling-Perth and Kinross economies in 2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.
- 72 The research concluded that the evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the tourist industry than a large number of small farms scattered throughout Scotland. However, the evidence, not only in this research but also in research by Moran, commissioned by the Scottish Government, is that landscape has a measurable value that is reduced by the introduction of a wind farm.
- 73 Based on survey responses and research findings, the research in this report suggests that from a tourism perspective:
- Having a number of wind farms in sight at any point in time is undesirable from the point of view of the tourism industry.
 - The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.

- 74 These suggest that to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

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

- 75 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

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

SITE HISTORY

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

Section 37 Applications

Beauly to Denny Over Head Line

- 78 In July 2005, (SHETL) and SP Transmission Limited (SPT) published the proposed route for the 400,000 volts (400kV) overhead electricity transmission line which will replace the existing 132,000 volts (132kV) transmission line between Beauly, west of Inverness, and Denny, west of Falkirk. In September 2005 applications were submitted to the Scottish Ministers under Section 37 of the Electricity Act 1989, to construct and operate the line in their respective licensed areas.
- 79 The overhead electricity transmission line between Beauly and Denny was referred to a public inquiry in February 2007 and on the 06 January 2012 the Section 37 application was approved. The project replaces the existing transmission line with fewer but taller pylons; this is intended to facilitate the growth of the renewable energy sector in the north and west of Scotland by making it possible to feed the power generated into the wider National Grid.
- 80 Construction of the overhead electricity transmission line is now nearing completion.

Section 36 Applications

Calliachar Wind Farm

- 81 In February 2004 an application was submitted to the Scottish Ministers seeking consent under Section 36 of the Electricity Act 1989, and deemed consent under Section 37(2) of the Town & Country Planning Scotland Act 1997 for the installation of 46 wind turbines. Following the consultation process, the applicant amended the scheme by reducing it from a 46 turbines proposal to a 27 turbines proposal (hub height 60 metres, blade tip of 100 metres), with a revised installed capacity of 62.1 megawatts. The layout for the 27 turbine scheme consisted of a single group, generally narrowing from four turbines across the north-western end of the site, to a line of single turbines at its south-eastern end. All the turbines would be located to the east of the existing overhead power line.
- 82 The recommendation of the PLI reporter to the Scottish Minister was to refuse the Calliachar application on the grounds of the significant adverse visual effects on Glen Quaich and on Loch Freuchie, caused by the siting of 13 turbines along the southern array.
- 83 The PLI reporter concluded that the only possible means to mitigate the significant visual impact of these turbines would be through their removal. If that application had been a planning application, this could have been secured through a suitable condition. However by imposing this restriction on this proposal, it reduced the development below the 50MW threshold for which consent by the Scottish Ministers under Section 36 of the Electricity Act 1989 can legitimately be granted. Accordingly, the Scottish Ministers resolved to refuse the application for 27 turbines in its entirety.

Griffin Wind Farm

- 84 In April 2004, in addition to the Calliachar proposal, another application was submitted to the then Scottish Executive seeking the Scottish Ministers' consent under Section 36 of the Electricity Act 1989 and deemed consent under Section 37 (2) of the Town & Country Planning (Scotland) Act 1997 for the installation of 82 wind turbines. After the consultation process, the Griffin scheme was reduced from 82 turbines to 68 turbines (hub height of 77 metres, with a total height to blade tip of 124 metres).
- 85 In December 2005, following receipt of the Perth & Kinross Council's objection to both applications, the Scottish Ministers confirmed that both the Calliachar and Griffin proposals would be the subject of a conjoined Public Local Inquiry.
- 86 The Scottish Ministers approved the Griffin development under Section 36 of the Electricity Act 1989, and deemed consent under Section 37 (2) of the Town & Country Planning Scotland Act 1997 in January 2008. The Griffin Forest wind farm is now operational.

Planning Applications

Calliachar Wind Farm (PKC Reference - 07/02617/FUL)

- 87 Following the PLI refusal of Calliachar a planning application was made to Perth & Kinross Council in 2007 for a reduced wind farm, comprising 14 turbines in the locations identified by the PLI reporter. This planning application was recommended for approval to the Development Control Committee in May 2008, but was refused.
- 88 The applicant appealed Perth & Kinross Council's refusal to the Scottish Government, and a further PLI was held in 2008. The result of that PLI was that the Reporter recommended to the Scottish Ministers that the appeal should be allowed, subject to a number of conditions, and the Scottish Ministers duly granted permission in July 2010 in line with the Reporter's recommendations.
- 89 The reports to the Scottish Ministers and the Scottish Ministers decision letters (for the appeals and the award of expenses) are available online from the Directorate for Planning and Environmental Appeals.

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

- 90 A planning application which sought to vary the consented 2007 scheme by increasing the height of the turbines as well as various other supplementary proposals.
- 91 The Committee agreed with the recommendation of conditional approval and the variation was approved in January 2012. At the time of writing this report the construction works associated with the Calliachar scheme is now complete and the site is operational.

North Calliachar (PKC Reference – 13/00653/FLM)

- 92 Application for the erection of seven turbines in an irregular layout to the North of the operational Calliachar scheme was recommended for approval to the Development Management Committee in May 2014, but was subsequently refused by members. The Council's decision to refuse this scheme was appealed to the Department of Planning and Environmental Appeals and the appeal has been upheld and planning permission was approved 30 March 2015. Development of this proposal is yet to commence.

Creag A' Bhaird (PKC Reference – 13/02362/FLM)

- 93 Application for the erection of 13 turbines at the southern end of Griffin windfarm. The scheme was recommended for refusal to the Development Management Committee in March 2015 and was refused by members. The Council's refusal was appealed to the Department of Planning and Environmental Appeals and the appeal is under consideration with a decision expected in September 2015.

CONSULTATIONS

External

- 94 **Scottish Environmental Protection Agency:** SEPA advise that if conditional control is secured relating to an environmental management plan, pollution prevention as well as wetland ecology including groundwater dependent terrestrial ecosystems (GWDTEs), decommissioning/site restoration then no objection is offered.
- 95 **Scottish Natural Heritage:** has commented on the relationship of the development with the River Tay Special Area of Conservation (SAC). They maintain a holding objection unless the proposal is made subject to conditional control to secure mitigation.
- 96 SNH consider there could be a likely significant effect on features of the River Tay SAC from the release of sediment or other pollutants from construction work on turbines and tracks on the development site into the river. It is their view however that if the development was undertaken in accordance with a detailed Construction and Environmental Management Plan (CEMP) it would no longer be likely to have a significant effect and an appropriate assessment would not be required. Any consent must be conditional on a detailed Construction and Environmental Management Plan (CEMP) being submitted describing the mitigation measures to be taken that would eliminate the risk of sediment and other pollutants being mobilised and entering watercourses with connectivity to the SAC.
- 97 With regards to landscape and visual impacts SNH consider the proposal to be an extremely large extension to the existing Calliachar wind farm and would result in the adverse impacts on two National Scenic Areas (NSA) - Loch Rannoch and Glen Lyon NSA and Loch Tummel NSA either alone or in combination with the existing Calliachar and Griffin wind farms. In addition they also consider it will result in significant adverse impacts on views and recreational amenity of walkers one of Scotland's Great Trails – The Rob Roy Way.
- 98 SNH state that *“the proposed turbines would be seen in close proximity to the minor road between Amulree and Kenmore where they would dominate the open, high-level stretches of the route, detract from the sense of relative remoteness and wildness, and draw the eye and distract from northward views to the distinctive summits and mountainous landscapes of the Loch Rannoch and Glen Lyon NSA; and obstruct north-eastward views towards the mountains and summits of the Beinn A'Ghlo range in the Cairngorms National Park”*.
- 99 SNH further state that *“from limited areas within Strath Tay the proposal would appear as a line of turbines of a significant horizontal extent above the village of Aberfeldy. The turbines would appear out of scale with the more intricate landscape of the Strath Tay and would dominate the setting of Aberfeldy, as demonstrated in Viewpoint 7 - Tom of Cluny”*.
- 100 In terms of Ornithology, SNH advise that the proposal would be unlikely to result in significant adverse impact on non-designated and designated bird

species. If the proposal is approved, SNH recommend that any approval should be subject to appropriate conditions including the appointment of an Ecological Clerk of Works (ECoW) that requires the implementation of the mitigation measures outlined in the ES for a range of habitats and species.

- 101 For European Protected Species (excluding birds) the potential impact on such species as Otters, Bats, Pine Martens, Red Squirrels, Badgers, Wildcats and Water Voles is reasonably low.
- 102 However SNH advise that the approval of this application without pre-construction survey and necessary mitigation measures for this species, could risk an offence under Regulation 43 of the Habitats Regulations 1994 and/or the Wildlife and Countryside Act (1981) as amended. They recommend that the mitigation measures of preconstruction surveys for Otters, Water Voles, Red Squirrels, Badgers identified within section 5.8 of the Outline CEMP in the ES are implemented as conditions of any planning consent.
- 103 **Historic Scotland:** Confirm that the development does not raise issues of national significance to warrant an objection associated with their historic environment interests.
- 104 **Transport Scotland:** No objection is offered subject to conditional control being applied to minimise adverse impacts on road users.
- 105 **Royal Society for the Protection of Birds:** Objects to the proposal as the information provided within the ES is not considered to be sufficient enough to rule out an adverse impact on Annex 1 species.
- 106 The site has historically supported a range of breeding upland birds including Annex 1 species (EC Birds Directive) which will be affected by this development. RSPB questions the suitability of this site for further wind farm developments. Cumulative impacts of such developments on these species will need to be carefully assessed. RSPB also point out there are several inaccuracies within the ornithological section of the Environmental Statement.
- 107 **Forestry Commission Scotland (FCS):** No direct impact on woodland but forestry works are required along the access track. They point out that the ES does not refer to compliance with the Scottish Government's Control of Woodland Removal Policy, appropriate compensatory planting and application of UK Forest Standards to tree related activity. However the level of felling is considered to be small scale and as a result do not object to the proposal.
- 108 **Scottish Water:** No objection to the proposal.
- 109 **VisitScotland:** No objection but recommends the proposal is carefully assessed for its impact on tourism, whether visually, environmentally or economically.

- 110 **Marine Scotland:** No objection subject to certain conditions being imposed with any consent including the appointment of an Ecological Clerk of Works for the development phase.
- 111 **Scottish Rights of Way (ScotWays):** Concerned about the impact on recreational amenity in the area especially for walkers, cyclists and mountaineers even though their comments at scoping stage regarding the positioning of turbines relative to the Rob Roy Way have been taken into account in the proposed layout.
- 112 **National Air Traffic Safety (NATS):** No safeguarding objection to the application.
- 113 **Mountaineering Council of Scotland:** Considers that the proposed site will impact upon nearby landscapes of high scenic and wild land value and is unsuitable for a commercial wind energy development.
- 114 They recognise that there are already wind farms in the vicinity together with the Beaully-Denny power line and multiple estate vehicle tracks. In this context, they consider that the proposed development would intensify and extend an existing wind farm landscape. They also consider that its context gives it a lower level of impact than would be the case for a geographically separate development in an unspoiled area. Mountaineering Council of Scotland does not regard the proposed development as desirable, but also does not object to it.
- 115 **British Telecom:** No objection as it should not cause interference to BT's current and presently planned radio networks.
- 116 **Joint Radio Company:** No objection and does not foresee any potential problems based on known interference scenarios based on the data provided.
- 117 **Civil Aviation Authority:** No objection and owing to the proposed height (maximum tip height 115m) of the proposed turbines there is no CAA requirement for the turbines to be lit, although if an aviation stakeholder (including the MOD) made a request for lighting it is highly likely that the CAA would support such a request.
- 118 **Ministry of Defence:** No objection to the proposal but in the interest of air safety the MOD request that the development should be fitted with aviation safety lighting. Perimeter turbines should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
- 119 **Crown Estate:** The proposal is within an area where they have granted a mines royal option agreement. However the assets of the Crown Estate are not directly affected by the proposal.
- 120 **Aberfeldy Community Council:** On balance objects to the application, primarily on the grounds that they think it is a windfarm too far in this area, and that the cumulative impact will be detrimental. They do acknowledge that there

is a level of support within Aberfeldy for the scheme as well, especially amongst the business community.

- 121 **Dull and Weem Community Council:** Object to the proposal as it will affect the amenity of the area and will be visible from one of the most iconic public hill roads in Scotland, Kenmore to Amulree. They feel that the area is swamped by wind turbines as seen on the projected views from Ben Lawers and Schiehallion.
- 122 **Dunkeld and Birnam Community Council:** Object to the application on landscape and visual impact as well as cumulative landscape and visual impact. They also raise concern about conditional control of noise, consider there are no real social-economic gains from this development in terms of long term employment and highlight concern with the impact on bio-diversity as well as transport and access arrangements. The Community Council also consider that the development fails to comply with planning policy.
- 123 **Glen Lyon and Loch Tay Community Council:** Object to the application on landscape and visual impact especially the impact it will have on Ben Lawers SAC and Glen Lyon NSA. They also raise concern about the adverse impact on tourism and the local economy; moorland and peat and birds in the area.
- 124 **John Muir Trust:** Object to the application as it would significantly add to the visual impact on the surrounding landscape and Wild Land Areas. The current site occupies much of the original land that was included in the 2004 planning application for Calliacher and was refused by the Scottish Ministers following a Public Local Inquiry. They consider that the current proposal is extending the footprint of a previously failed application and will have a negative socio-economic impact on the area especially tourism.
- 125 **Tayside Raptor Study Group:** Object to the proposal as the site and the surrounding area has been subject to a great deal of disturbance following construction of the Beauldy Denny power line resulting in an adverse impact on numerous Annex 1 species including breeding hen harrier and merlin.

Internal

- 126 **Access Officer:** No response received. Standard advice is to ensure conditional control to manage public access rights during construction and the incorporation of measures to facilitate public access arrangements during the operational phase.
- 127 **Flooding Section:** No objection provided certain conditions are included with any consent to prevent flood risk.
- 128 **Bio-Diversity Officer:** No response received.
- 129 **Environmental Health (including Dick Bowdler Acoustic Consultant):** There are some properties that are not included in the assessment which need to be assessed (or rejected with a reasoned argument). The Acoustic

Consultant is concerned about the water noise at the Urlar measurement location as some of the proxy locations using these background noise levels are likely to have significantly lower background noise levels. There is no evidence that the warranted levels of turbine noise include a margin for uncertainty. Accordingly the figures in Table 11.9 of the ES understate the levels by about 1.7dBA.

- 130 The cumulative turbine noise calculations appear to have been done using the actual turbines at Calliacher and the candidate turbines at Calliacher North. However, the Institute of Acoustics Good Practice Guide (IOAGPG) requires that calculations are carried out assuming that each wind farm operates to its consented limits. Even using a compromise methodology the figures in Table 11.13 of the ES are about 2dB too low.
- 131 The assessment and rating of noise (ETSU-R-97) for lower day time limit has not been established in the ES. This needs to be established for the cumulative effect of all wind farms in the area so that appropriate conditions can be devised should the application be consented. The same day time and night time limits should be adopted here if the application is consented. There is no assessment of the impact of operational noise from the development on the amenity of residents. A site specific assessment of the risk should be made based on current knowledge.
- 132 In the interests of clarity and rigor the following should be provided in the assessment:
- A commentary on the measures taken to ensure accuracy of the SODAR wind speed equipment.
 - A more detailed commentary on the water noise within the background noise measurements.
- 133 Overall it seems probable that this application would meet the required ETSU-R-97 limits but has not been robustly demonstrated and is more marginal than the ES suggests.
- 134 **Perth and Kinross Heritage Trust:** has taken account of the potential impact on local archaeology and no objection is offered subject to conditional control.
- 135 **Transport Planning:** No objection received. The proposed access route will use the same route as Griffin Windfarm and as such has been upgraded to accommodate these exceptional vehicle movements. Should consent be granted the applicant will need to enter into a Section 96 agreement prior to works commencing and the access point design will need to be supported by a swept path analysis to confirm suitability. The applicant will also need to provide a construction phase transport management plan prior to any works commencing.

REPRESENTATIONS

136 The application has attracted thirteen (13) representations all objecting to the proposal.

137 The objections raise the following issues:

- Adverse landscape and visual impact
- Contrary to Development Plan policy and Supplementary Guidance
- Rebadged original Calliacher application from 2004
- Adverse impact on National Parks, National Scenic Areas and Sites of Special Scientific Interest (SSSI) and Special Landscape Areas (SLA)
- Adverse visual impact from Glen Quaich
- Impact on mountain tops, iconic viewpoints
- Overdevelopment of turbines
- Adverse cumulative impact
- Impact on national tourist routes.
- Adverse impact on residential amenity of properties in close proximity.
- Noise (operational and construction).
- Adverse impact on tourism, farming, sporting activities and local businesses
- Adverse impact on Rob Roy Way
- Impact on hydrology, water environment, water pollution and private water supplies.
- Impact on birds, wildlife and protected species
- Impact on habitats
- Adverse economic impact
- Adverse traffic and road safety impact
- Adverse impact on wild land
- Loss of trees

138 The above matters are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

139

Environment Statement	Submitted
Screening Opinion	Environmental Statement submitted.
Environmental Impact Assessment	Yes
Appropriate Assessment	To be undertaken by Scottish Government
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Incorporated into Environmental Statement.
External Assessment	Independent Landscape Consultant appointed by PKC to examine LVIA section

APPRAISAL

- 140 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by section 2 of the Planning etc (Scotland) Act 2006, decrees that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Thus it is necessary to establish whether the proposal accords with the development plan and whether any material consideration indicates that the decision should not accord with the plan. The development plan for the area within which the application site lies consists of TAYplan 2012 and the Perth and Kinross Local Plan 2014.
- 141 It is acknowledged that Planning Policy provides support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020.
- 142 Policy 6 of the TAYplan relates to the aim of delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets. Of all the Strategic Plan policies I find this is the most relevant to the determination of the proposal. The policy seeks to grow and deliver this type of infrastructure in the most appropriate locations; it puts emphasis on the need for local plans to be consistent with Scottish Planning Policy requirements and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.
- 143 With regards to the Perth and Kinross Local Development Plan there are numerous individual policies that are applicable in the determination of the application as detailed in the Policy section.
- 144 Due to the proximity of Calliacher to this proposal Policy ER1B of the LDP is engaged. This confirms that extensions of existing renewable energy facilities will be assessed against the same factors and material considerations that apply to proposals for new facilities.
- 145 Policy ER1A: New facilities, is of particular importance to this assessment and confirms that proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported subject to a number of factors being taken into account. These include the individual or cumulative effects on landscape character, the contribution towards meeting carbon reduction targets, the impact on the local economy, including tourism

and recreation interests, and their fit with the spatial framework for wind energy developments. The latter is to be provided by supplementary guidance for large scale wind energy and other developments.

- 146 Although the policy position is generally supportive of renewable energy schemes this is subject to a number of criteria being satisfied. While renewable energy schemes may meet some environmental requirements and not others an overall judgement has to be made on the weight to be given to the 'positives' and 'negatives' which will determine whether it is environmentally acceptable. Any significant adverse effects on local environmental quality must be outweighed by the proposal's energy contribution. These factors are considered in the assessment that follows.

Landscape and Visual Impact

- 147 An independent landscape consultant was appointed by the Council to assess the Landscape and Visual Impact Assessment (LVIA) and Cumulative Landscape and Visual Impact Assessment (CLVIA) of the ES. Advice has been provided in terms of whether the LVIA methodology is in accordance with up to date best practice guidance, and the likely landscape and visual effects, including cumulative effects, of the proposed development. His assessment is included as an appendix to this committee report.
- 148 Site visits were undertaken in August 2015 to view the site and its surroundings from the local road network, other lanes, tracks and public rights of way. Photomontage viewpoint locations and other key visual receptors were visited. The weather was changeable, being wet and dull some of the time but also dry and bright when visibility was good.

Methodology

- 149 While there is reference to the PKC Note '*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*', it would appear that many of the requirements of the guidance have not been met by the applicant. Viewpoints were agreed with PKC and SNH in advance, but it is not clear from the ES whether local Community Councils were consulted on viewpoint selection which is a requirement of the PKC note on the preparation and submission of photographs and photomontages;
- 150 The methodology used in the LVIA is generally in accordance with the *Guidelines for Landscape and Visual Impact Assessment*, 3rd Edition (GLVIA3), Landscape Institute and Institute of Environmental Management and Assessment, 2013. However, the assessment does not follow the guidance and usual convention to reach a judgement on the overall sensitivity of each landscape and visual receptor by combining the evaluation of susceptibility to change and value. This makes understanding how decisions on significance have been reached more cumbersome than it should be.

- 151 Rather than adopting a rigid matrix-type approach to the assessment of significance, where level of effect is defined by combining sensitivity and magnitude of change, the LVIA affords different weight to the many different variables according to site-specific and location-specific considerations in every instance, using experience and professional judgement to reach conclusions on differing levels of effect. Whilst this is acceptable, it is unclear whether the methodology allows for the recording of all likely significant effects. In some situations a moderate effect on a receptor of medium sensitivity could be significant, and similarly a small effect on a highly sensitive receptor and a large effect on a less sensitive receptor may also be significant.
- 152 Travellers on scenic routes whose attention is focused on the surrounding landscape are assigned medium sensitivity in the ES, but GLVIA3 advises that where travel involves recognised scenic routes awareness of views is likely to be particularly high.
- 153 Value is attributed to a view and a judgement is recorded whether the view is of international value, national value, local/regional value or community value in relation to planning designations, heritage assets and numbers of people experiencing the view. However, it is unclear how a judgement has been made on the numbers of people likely to experience the view.
- 154 Effect on landscape character is made using the landscape character types from the 1999 Tayside Landscape Character Assessment by SNH. A more detailed classification of landscape character across Perth and Kinross was prepared by David Tyldesley and Associates (DTA) in 2010. The DTA study is directly relevant as it assesses landscape sensitivity and capacity of the Perth and Kinross landscape to wind energy and provides guidance to aid management of wind farm development;
- 155 It is recognised that there were no locally designated landscapes within Perth and Kinross at the time of the assessment. However, the Landscape Supplementary Guidance 2015 was adopted in June 2015 and it identifies eleven Special Landscape Areas (SLAs) in Perth and Kinross. The southern part of the Crossburns Wind Farm application site lies within the Glen Quaich SLA which describes the minor road through the glen as the highlight of the area and a scenic route and popular tourist drive.
- 156 The northern part of the Crossburns application site also abuts two other SLAs; Loch Tay SLA and Upper Strath Tay SLA. Although no turbines would lie within these SLAs, they would occupy the narrow gap between them and the Glen Quaich SLA to the south. The objectives within each of these SLAs of ensuring *“particular care in siting and design of potentially intrusive structures such as masts and wind turbines”* would seem particularly appropriate to the application site;
- 157 The Crossburns Wind Farm would lie within westward views from the Upper Strath Tay SLA thus affecting its special qualities described in the 2015 Landscape SG as the views westwards of the Ben Lawers massif and Schiehallion, and its strong sense of place.

- 158 The LVIA suggests the limited ZTV means that relatively few visual receptors will be affected by the wind farm. However, the Rob Roy Way is a popular long distance footpath, Glen Quaich is a popular route across Perthshire between Strathbraan and Strath Tay with the minor road through the glen a popular tourist drive, and Strath Tay is at the heart of Perth and Kinross as a visitor destination.
- 159 The landscape assessment is summarised in a table that only shows the level of effect and significance (as a correlation), giving the impression that landscape susceptibility, value and sensitivity are less important in the assessment of likely significant effects. Best practice guidance advises that a significant effect can arise with a smaller level of effect on a more highly valued or susceptible receptor.

Landscape Character

- 160 TAYplan Policy 3 seeks amongst other things to safeguard landscapes and geodiversity, while TAYplan Policy 6 indicates that in determining proposals for energy development, consideration should be given to landscape sensitivity.
- 161 LDP Policy ER1A (1) confirms the need to take account of landscape character with Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 162 As previously mentioned above, the LVIA within the ES refers to the landscape character types and landscape units within the 1999 Tayside LCA by SNH. The 2010 DTA study is the most recent and detailed available characterisation of the whole of the Perth and Kinross landscape. As well as updating the 1999 landscape classification, it most importantly addresses landscape sensitivity to wind energy development.
- 163 The LVIA within the ES assesses the effects within the construction and operation phases and describes landscape susceptibility and value, but not overall landscape sensitivity. The ES describes the scale of change to the landscape and the duration and reversibility of that change, with an overall judgement made on the level of effect and significance. The assessment is summarised in a table that only shows the level of effect and significance, giving the impression that landscape susceptibility, value and sensitivity are less important in the assessment of likely significant effects. Best practice guidance advises that a significant effect can arise with a smaller level of effect on a more highly valued or susceptible receptor.

Highland Summits and Plateaux Landscape Character Type

- 164 The site lies within the Highland Summits and Plateaux Landscape Character Type (LCT) of the Tayside Landscape Character Assessment 1999 (TLCA).

This landscape unit comprises a large part of the TLCA study area covering the higher ground located to the North of the Highland Boundary Fault and is described as one of the remotest and wildest in the United Kingdom. The TLCA confirms within Highland Summits and Plateaux type there is a distinction and this can be drawn through the Glen Garry/Drumochter which effectively dissects the Mounth Highlands which are rounded in nature to the east, in comparison to the craggier hilltops of the Western Highlands. The proposed Crossburns site is located within the latter.

- 165 The ES concludes that there will only be significant landscape effects on the landscape of the development site itself and the character of the Highland Summits and Plateaux LCT within around 5km of the site. According to the ES the level of effect on all other landscape receptors is minor and not significant according to the LVIA.
- 166 PKC's Landscape Consultant is of the opinion that the ES underplays the likely effects on the Highland Summits and Plateaux LCT beyond 5km of the site, including north of Strath Tay. This area also falls within Special Landscape Area 4: Upper Strath Tay with special qualities being its strong sense of place and views westwards to the Ben Lawers Massif and Schiehallion. Viewpoint 7 (Tom of Cluny) and Viewpoint 12 (Rob Roy Way, north of Strath Tay) lie within the SLA and from where there would be westwards views of Crossburns Wind Farm which the LVIA acknowledges would create significant effects at 7.6km and 12.4km respectively.
- 167 The turbines would lie directly in views westwards towards Ben Lawers and Schiehallion, thus adversely affecting the special qualities of the Upper Strath Tay Special Landscape Area which extends northwards as far as Meall a' Charra some 15km from the Crossburns application site.

Upper Highland Glens Landscape Character Type

- 168 The LVIA also appears to underplay the likely effects on the character of the Upper Highland Glens LCT, in particular Glen Quaich which is afforded the highest sensitivity to wind energy development in the 2010 DTA Study (Landscape Unit 1a(ii)).
- 169 Glen Quaich is also recognised as a Special Landscape Area in the Landscape Supplementary Guidance 2015; a highly valued landscape at the local level that should be protected and enhanced. Whilst the scenic value of this landscape is recognised in the LVIA, its susceptibility to change and the scale of change are reduced in the assessment by the effect of the operational Calliacher Wind Farm. The cumulative effect of Crossburns and Calliacher and North Calliacher (recently approved on Appeal) together with other wind farms including Griffin therefore needs very careful assessment.
- 170 I consider that the distinction between the Highland Summits and Plateaux LCT and the Upper Highland Glens LCT can presently be defined. Despite the extent of visibility of both Calliacher and Griffin Windfarms on this Landscape Character type that scheme does not have an overbearing influence on the

Strathbrann Mid Highland Glens LCT. Crossburns however, due to its positioning diminishes the distinction between the Highland Summits and Plateaux LCT and Upper Highland Glens LCT. In light of this I am of the view that a moderate and therefore significant impact on the Strathbrann Mid Highland Glens LCT occurs.

Special Landscape Areas

- 171 Whilst there were no locally designated landscapes within Perth and Kinross at the time of the assessment, Landscape Supplementary Guidance 2015 has been adopted by PKC since 17th June 2015 and is statutory supplementary guidance to the adopted Local Development Plan. The Supplementary Guidance (SG) reinforces LDP Policy ER6 “Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes” and helps bring forward land management initiatives to protect and enhance the Special Landscape Areas in Perth and Kinross identified in the SG. Scottish Planning Policy (2014) supports the protection of locally designated landscape areas and sites. It states that: *“the purpose of areas of local landscape value should be to:*
- safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
 - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
 - safeguard and promote important local settings for outdoor recreation and tourism
- 172 The Landscape Supplementary Guidance 2015 identifies eleven Special Landscape Areas (SLAs) in Perth and Kinross. The southern part of the Crossburns Wind Farm application site lies within the Glen Quaich SLA but no turbines would lie within it. The SG describes the high pass over Glen Lochay to the south that links to Glen Almond which is today the route of the Rob Roy Way long-distance walking route. The minor road through the glen is described as the highlight of the area and a popular tourist drive. From the high ground of A’ Chrois, as the road descends, is a panoramic view southward along and across the glen, with Loch Freuchie as its focal point, and a backdrop of distant hills beyond. The first glimpses of Loch Tay and the iconic mountains to the north from the high point along the minor road between Amulree and Kenmore are recognised as one of the special qualities of the SLA.
- 173 The northern part of the Crossburns application site also abuts two other SLAs; Loch Tay SLA and Upper Strath Tay SLA. Although no turbines would lie within these SLAs, they would occupy the narrow gap between them and the Glen Quaich SLA to the south. The Supplementary Guidance describes the Upper Strath Tay SLA as being at the heart of Perth and Kinross as a visitor destination, where special qualities are the views westwards of the Ben Lawers massif and Schiehallion, and its strong sense of place. The Strath is framed to the south by low hills forming the edge of the moorland plateau (within which Crossburns Wind Farm would be located).

- 174 The objectives within each of these SLAs of ensuring “*particular care in siting and design of potentially intrusive structures such as masts and wind turbines*” would seem particularly appropriate to the application site.
- 175 I consider that Crossburns on its own and cumulatively would have a major and significant effect on the landscape character of sub-unit H3 in the 2004 DTA study and sub unit 3C(vi) in the 2010 DTA study and three Special Landscape Areas (SLAs) contained within the Councils Landscape Supplementary Guidance 2015.
- 176 The impact on landscape character would not accord with the requirements of TAYplan Policy 3 or Policy 6. Furthermore the proposal does not comply with LDP Policy ER1A (1) or Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross’s landscapes. Accordingly, development proposal conflicts with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Visual Impact

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

National Scenic Areas

- 178 A National Scenic Area (NSA) is an area which is nationally important for its scenic quality. Development that affects a NSA should only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. There are four NSAs within the 35km LVIA study area, River Earn NSA (Comrie to St Fillans), Loch Tummel NSA, Loch Rannoch and Glen Lyon NSA and the River Tay NSA (Dunkeld).
- 179 The scale of landscape change on highly susceptible and valued designated landscapes, such as the Loch Rannoch & Glen Lyon NSA, is reduced in the assessment by the existing effects of Calliachar Wind Farm. Whilst the ZTV identifies some locations where Crossburns Wind Farm will be visible on its own, there are many other locations where theoretically it will be seen alongside other wind farms.

Glen Lyon and Loch Rannoch NSA

- 180 The ES considers the level of effects at Viewpoint 14 (Meall Greigh) & Viewpoint 16 (Ben Lawers) within the NSA are assessed as minor and not significant. The Councils Landscape Consultant is of the opinion that the effect is understated. Both viewpoints are within the Loch Rannoch & Glen Lyon NSA and Wild Land Areas and are views of ‘national value’. It is considered

Crossburns Wind Farm is likely to create a large change in view (assessed as medium in the LVIA) being clearly seen in front of other wind farms, with significant effects and would appear as a separate wind farm at Viewpoint 16;

Views from the NSA

- 181 SNH advises that the proposal is located approximately 7.5km from the edge of the NSA and 13.7km from the nearest representative viewpoint within the NSA. Due to the existing developments close to the proposal SNH consider that there would be significant adverse cumulative effects on views from key summits in the NSA including from two of Scotland's most popular and well-visited peaks: Ben Lawers (17.7km) and Schiehallion (14.5km). The proposed scheme would approximately double the horizontal angle of view contained by the existing turbines at Calliachar and, being closer to these summits, would be more prominent in the views. The proposal would be perceived as an extension to the existing Calliachar Wind Farm and overwhelm and detract from panoramic southward views and cannot be accommodated without significant detriment in this sensitive landscape context.

Views to the NSA

- 182 SNH advise that the proposal would draw the eye and introduce a new and distracting feature into rare high-level views that are currently focused directly towards the summits of the NSA. This includes, most importantly, views towards the Carn Maig group and to the distinctive mountain Schiehallion from the high-level Glen Quaich minor road between Amulree and Kenmore.
- 183 SNH advise that this would significantly affect the Special Qualities '*the long symmetric mass of Schiehallion*', '*the dominance of Ben Lawers*' and '*a combination of natural and cultural beauty*' all of which highlight and emphasise the importance of views towards these distinctive peaks and ridges in the wider mountainous landscape.
- 184 Schiehallion is a prominent landmark, a shapely, symmetrical conical peak with a long east-west axis. It is visible and readily identifiable across a wide area because it stands alone, separate and apart from other summits and ridges
- 185 The high massif of Ben Lawers and its associated peaks, together with the more uneven ridge of the Tarmachan range to the west, dominate the landscape around Loch Tay.
- 186 The mountain ranges are timeless and unchanging in comparison to the small scale human activity on the lower ground. They frame the scenic views and panoramas gained from within the NSA and are the focus or backdrop of views into the NSA.

Loch Tummel NSA

- 187 SNH advise there would be significant adverse cumulative impacts on views from summits on the southern edge of the Loch Tummel NSA from where the

proposal would more than double the horizontal extent of turbines in the view. This is clearly demonstrated in Viewpoint 9 Meall Tairneachan

- 188 I agree with SNH's assessment that the proposed Crossburns scheme would adversely impact two NSAs. The cumulative effects would erode the experience from popular summits from the Loch Rannoch and Glen Lyon NSA and the Loch Tummel NSA. In light of this the scheme does not accord with Policy NE1B of the LDP.

National Parks

- 189 National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to, conserve and enhance the natural and cultural heritage of the area, promote sustainable use of the natural resources of the area, promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and promote sustainable economic and social development of the area's communities.
- 190 The Cairngorms National Park is located to the north east perimeter of the study area between 20km and 35km. The Park Authority has not been consulted by the Scottish Governments Energy Consents and Deployment Unit and has not raised any concern regarding landscape or visual impact and no concerns are raised regarding cumulative issues.
- 191 Viewpoint 18 - Carn Liath Munro within the Cairngorms National Park was assessed within the ES as minor and not significant, even though the LVIA acknowledges that visual receptors are highly susceptible to change and views are of national value (but should probably be higher than this due to the numbers of people likely to experience the view, i.e. highly sensitive). The assessment made is for a small scale change in view, largely due to distance at over 21km. However, the Councils Landscape Consultant considers that even at this distance the turbines will be clearly seen as a separate wind farm sprawling out and in front of Calliacher and North Calliacher. Consequently he considers the assessment understates the effect which is likely to be significant and overall the special qualities of the Cairngorms National Park is likely to be adversely affected.
- 192 The Loch Lomond and the Trossachs National Park is located to the south west perimeter of the 35km study area. In this case there should be little or no visibility of the proposed wind farm and no concerns have been raised. The special qualities of Loch Lomond and Trossachs National Park are not likely to be adversely affected.

Wild Land

- 193 NPF 3 recognises the importance of wild land at paragraph 4.4. This confirms the Scottish Government sees wild land as a nationally important asset and

- places strong protection on Scotland's wildest landscapes. This is further reinforced by Scottish Planning Policy setting out how this should be achieved.
- 194 The Crossburns site is not located within wild land area as identified in Scottish Natural Heritage's 2014 wild land map. However there are areas of wild land where visibility occurs, Breadalbane – Schiehallion (area 10); Lyon Lochay (area 11); Ben Lawers (area 12) Rannoch – Nevis – Mamores – Alder (area 14) and Cairngorms (area 15).
- 195 Visibility in the Cairngorms wild land area (area 15) is limited to summits in the southern section of the wild land designation. From these peaks and at the distances involved the impact should not be significant.
- 196 The Rannoch – Nevis – Mamores – Alder wild land area (area 14) is extensive. Like the Cairngorms the impact predominantly relates to the summits in the southern section. At the distances involved the impact on the wild land designation as a whole is not consider to be significant.
- 197 Breadalbane – Schiehallion (area 10) is also an extensive area of wild land. Visibility is limited to the eastern extent of the designated area, predominantly around Schiehallion.
- 198 In terms of Ben Lawers (area 12) visibility of the proposed turbines is quite extensive especially from Ben Lawers and Meall Greigh munros themselves.
- 199 In assessment of the viewpoint from within Breadalbane – Schiehallion (area 10) and Ben Lawers (area 12) it was considered that the cumulative impact from the Crossburns scheme was detrimental to the experience of the wild summits in the NSA. This impact extends to and would further erode the experience from this area of wild land. In light of this the application is not considered to adhere to NPF3 and SPP.

Recreation

- 200 The impacts on some recreational receptors have already been discussed in the assessment of NSAs, National Parks and areas of designated wild land.
- 201 SNH highlight that the Crossburns turbines would be dominant features on the open, high-level stretches of the Rob Roy Way for approximately 7km of the route across the moorland above Aberfeldy. On the Urlar section in particular, where the track passes through the wind farm, turbines would dominate the recreational experience of walkers and significantly detract from the sense of relative remoteness and wildness that is currently experienced here. For a stretch of the track to the south of Craig Hill, the turbines would detract from panoramic views to the distinctive summits and mountainous landscapes of the Loch Rannoch and Glen Lyon NSA.
- 202 Where the Rob Roy Way follows the minor road, the turbines would be seen in close proximity and would dominate the open, high-level stretches of these routes and significantly detract from the sense of relative remoteness and wildness that is experienced here. As described above, the turbines would

draw the eye and detract from northward views to the distinctive summits and mountainous landscapes of the Loch Rannoch and Glen Lyon NSA.

- 203 The Councils Landscape Consultant highlights that Viewpoint 1 (minor road between Kenmore and Amulree) is not recognised as a scenic route in the visual assessment of the ES. However, the Glen Quaich SLA describes this scenic route as of special quality. Consequently susceptibility of road users should be high. Furthermore, the value attached to the view from this route is assessed in the LVIA as ‘community value’ as it is thought to be experienced by low numbers of people. However, the Landscape Supplementary Guidance 2015 describes Glen Quaich as a popular route across Perthshire, the minor road being the highlight of the area and a popular tourist drive. Consequently views are highly valued, and overall visual sensitivity is high.
- 204 The Councils Landscape Consultant considers Viewpoint 8 (Creagann na Beinne) that the level of effect is assessed as minor and not significant, even though the LVIA acknowledges that there would be a large scale change in views that are highly susceptible to change.
- 205 Viewpoints 14 (Meall Greigh) and 15 (Schiehallion) are popular recreational summits west of Crossburns. The ES assesses the level of effect as minor and not significant, even though the LVIA acknowledges that visual receptors are highly susceptible to change and views are of national value and therefore highly sensitive.
- 206 It is considered Meall Greigh at less than 14km to the nearest turbine and Schiehallion at 15km, that Crossburns is likely to create a large change in view (assessed as medium in the LVIA) being clearly seen in front of other wind farms as shown in Figure 6-29 of Volume 3 (Figures) within the ES. Consequently it is considered that the assessment understates the effect which is likely to be from these popular recreational viewpoints.

Roads/Railway

- 207 Perthshire forms the main “gateway” for tourists entering the highlands, with the A9 north of Perth and the A822 north of Greenloaning forming the main tourist corridors. The ZTV of the ES confirms there is no visibility from the A9 and related railway line.
- 208 SNH advise that the Glen Quaich road between Amulree and Kenmore is well-used by residents and visitors and is an alternative to the A826 Perthshire Tourist Route. The Rob Roy Way, one of Scotland’s Great Trails, follows the road for much of its length. The highest part of the road has a strong sense of arrival signified by its openness and remoteness and the dramatic opening-up of panoramic views to the north. This is emphasised by the very steep approach up from Glen Quaich itself and by the contrast with the Perthshire Tourist Route to the south which has far greater visual enclosure.
- 209 For northbound travellers leaving the Perthshire Tourist Route, the elevated section of this minor road offers one of the first views of the mountains of the

NSA including the Cairn Mairg group and the distinctive Schiehallion. This route is important and sensitive because it gives people a rare opportunity to experience high-level views that are not typically available to road users. As well as views towards the mountain ranges of the Loch Rannoch and Glen Lyon NSA there are more distant north-eastward views to Ben Vrackie and the Beinn A'Ghlo range in the Cairngorms National Park (CNP) . In addition this road affords relatively close-to views into the mountains of the Loch Rannoch and Glen Lyon NSA which are characterised by their wildness and remoteness (Wild Land Areas 10 and 12).

- 210 Though not shown in the submitted visualisations nor highlighted in the LVIA section of the ES, the distinctive summit of Schiehallion and the tops of the Carn Mairg massif are visible from a point just south of the 'summit' of the Glen Quaich road (to the west of A'Chrois at c530m AOD). Travelling further north, panoramic views open out dramatically to include Ben Lawers and, to the northeast, Ben Vrackie and the Beinn A'Ghlo range. Views to these key summits can be experienced for about a 3.5km stretch of the route, of which just over 1km also comprises the Rob Roy Way before it drops east to Aberfeldy on the Urlar track.
- 211 Once over the 'summit', roughly at Viewpoint 3(Rob Roy Way) in the LVIA, the part-blades of the Calliachar turbines and North Calliachar (when built) are just seen behind the ridge to the far right of the view. Figure 6.18b and the LVIA indicate that '*...the Development will be seen in close proximity ...resulting in large scale of visual change*'. However, SNH consider that the submitted visualisations for this viewpoint (Figure 6.18b-f), and the associated text in the LVIA, underplay the impact of the Crossburns turbines on the wider views and overall experience of this road since they do not indicate the full panoramic context.
- 212 The Reporter at the Calliachar Public Local Inquiry in 2006 stated, and site visits corroborate, that the Calliachar turbines would '*...appear as a prominent but not a dominant element, and ... that they would not detract from the principal dramatic feature which is the panoramic view towards the array of mountain peaks to the west and north*'.
- 213 Figures 6.17b-f of the LVIA show that the proposed turbines would be much closer to the road than the Calliachar turbines and would appear twice as tall. They would distract the viewer and draw the eye away to the right and, consequently, not only block views to Ben Vrackie and ranges in the Cairngorms National Park but also detract from the principal dramatic view towards the array of mountain peaks in the Loch Rannoch and Glen Lyon NSA. Appearing roughly the same height as the visible extent of the mountains, the turbines would, in addition, act as large-scale features in the view and diminish the perceived scale and grandeur of these mountains.
- 214 SNH advise that a reduction in the number of turbines, away from the road and away from key lines of sight would significantly mitigate the impacts on views towards the mountains as well as on the road users' sense of openness, relative remoteness and wildness. The Crossburns scheme is considered to

have a detrimental effect on road users in the area and in particular along important tourist routes such as the A82 6 and A822.

Residential Receptors

- 215 Paragraph 190 of the SPP refers to a guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edge of towns, cities and villages, to reduce visual impact. However, this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography.

Settlements

- 216 SNH comment that from limited areas within Strath Tay the proposal would appear as a line of turbines of a significant horizontal extent above the settlement of Aberfeldy. The turbines would appear to be out of scale with the more intricate landscape of the Strath Tay and would dominate the setting of Aberfeldy, as demonstrated in Viewpoint 7 - Tom of Cluny.

Residential Properties

- 217 The ES concludes that none of the properties assessed will result in an impact on residential amenity or living conditions from the proposed development. The ES considers that a 1.7km separation distance between the windfarm and nearest property is reasonable.
- 218 The Councils Landscape Consultants comments are made in terms of the likely significant effects on views from residential receptors within 3km from the development site. He notes that these properties are not included in the visual baseline description within the LVIA and no assessment is made of likely significant visual effects on these properties in the context of the EIA Regulations. This is considered to be a major omission from the ES since these effects should be taken into account in reaching a decision on the overall effects of the development.
- 219 There are five residential properties located within 3km identified in the LVIA as having some theoretical visibility of the development. They are all located along the minor road between Margmore and Urlar. The main orientation and primary outlook from each of these dwellings has not been verified since they were only viewed from publicly accessible locations.
- 220 Within the ES, wireframes are presented to provide a representative range of views from each property. However their value to the exercise is questioned by the Councils Landscape Consultant since they illustrate a bare ground situation and does not take into account any vegetation or buildings or other screening features in the view. Views from three of the properties are assessed in the LVIA as being screened by intervening trees or buildings resulting in an imperceptible or low magnitude of change.

- 221 One property, Margmore, is assessed in the ES as experiencing a medium magnitude of change due to the presence of substantial coniferous plantations which provide some screening. Only one of the five properties, Urlar Farmhouse, is assessed as having direct open views of the Crossburns turbines, with a high magnitude of change. It has not been possible for the Councils Landscape Consultant to comment fully on this assessment by using the wireframes only. Photomontages are required to indicate the likely view from properties within 3km to inform an assessment of significant effects. It is considered that a high magnitude of change on views from a highly sensitive residential receptor is likely and therefore result in a more significant effect than portrayed in the ES.
- 222 The ES concludes that none of the properties assessed will result in an impact on residential amenity or living conditions from the proposed development. The ES considers that a 1.7km separation distance between the windfarm and nearest property is reasonable.
- 223 Overall the effect on residential amenity is considered to be more substantial than what is portrayed in the ES and detrimental to a level which warrants refusal. Accordingly the proposal is contrary to criterion (a) of LDP Policy ER1.

Cumulative Impact

224 A series of cumulative ZTVs are included in the ES and this shows areas from where the proposed Crossburns scheme may be seen with operational, consented and proposed wind farms within the study area. Within the immediate vicinity of the site there are the following windfarms:-

- Griffin (operational)
- Calliachar (operational)
- North Calliachar (approved at appeal)
- Creag A' Bhaird (appeal under consideration)

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

- Drumderg (operational)
- Corb (approved single turbine but not constructed)
- Welton of Creuchies (approved but not constructed)
- East Gormack (operational single turbine)
- Lethendy (approved single turbine but not constructed)
- Ardlebank (refused)
- Bamff (refused at appeal)
- Tullymurdoch (approved at appeal)
- Dulater S36 (under consideration by Scottish Government)

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

- Lochelbank (operational)
- Greenknowes (operational)

- Middlethird (refused)
- Burnfoothill (operational)
- Burnfoothill Extension (operational)
- Rhodders (approved but not constructed)

227 To the South East of the site:-

- Mull Hill (refused at appeal)

228 Having reviewed the ZTV's I find that Griffin, Calliachar and North Calliachar of the most significance because of their scale and proximity to Crossburns. The other wind farms included in the cumulative LVIA would all be located at considerable distance from the site the magnitude of cumulative change in combination with the Crossburns proposal would predominantly remain unchanged or be negligible. There would be sequential cumulative effects when travelling on the A822 with the Beaully –Denny line however I do not consider this effect to be significant.

229 With regard to cumulative effects on landscape character, the CLVIA considers effects on the wider Highland Summits and Plateaux LCT as identified in the 1999 Tayside LCA. It is considered that this is too broad and an assessment of the smaller landscape units in the vicinity of the site is more appropriate, to consider the cumulative effects of Crossburns with Calliachar, North Calliachar and Griffin wind farms in particular. Crossburns would be located within the same landscape unit as Calliachar and also the re-routed Beaully-Denny transmission line (landscape unit 3b (v) in the 2010 DTA study), whereas North Calliachar and Griffin would be located within the adjoining unit 3c (v) (in the 2010 DTA study).

230 The Councils Landscape Consultant considers that the cumulative effect of the operational wind farms together has created a 'wind farm landscape' in this part of the Highland Summits and Plateaux LCT. As discussed in the 2010 DTA study the cumulative effects already indicate that the area has reached capacity. Any new proposal should avoid adverse visual impact on the highly sensitive highland landscapes to the north and west. Since the LVIA acknowledges that there will be significant effects from sensitive locations to the north there are likely to be further significant effects in other landscapes to the north and west, it would appear that the addition of Crossburns Wind Farm within this landscape would 'tip the balance', resulting in significant cumulative effects.

231 The CLVIA acknowledges significant cumulative visual effects on Viewpoint 15 (Schiehallion within Loch Rannoch & Glen Lyon NSA), localised views from road users on the Amulree to Kenmore road, glimpsed views from users on the A827 road, and walkers on the Rob Roy Way close to the development site and from locations along the long distance footpath through the upper areas of Strath Tay.

232 It is therefore considered that the CLVIA section of the ES understates the likely cumulative effects on Munro Viewpoints 14 (Meall Greigh) and 16 (Ben Lawers) also within the Loch Rannoch & Glen Lyon NSA.

Spatial Distribution and Windfarm Design

233 The existing spatial distribution of wind farms in Perth and Kinross has arisen from a series of decisions, broadly in the order in which they were applied for, by Reporters and the Scottish Ministers, over several years. The decisions have considered specific proposals that have come forward, without a national or regional strategic spatial plan and with little or no co-ordination between wind energy proposals, in terms of their siting and design. It is highly likely that more wind generating capacity could have been accommodated in Perth and Kinross, without a concurrent increase in impacts on landscape and visual amenity, if the wind farms had been brought forward in a coordinated way, with each maximising the potential for renewable energy generation, whilst ensuring either an appropriate separation or being designed to fit well together.

234 The LDP confirms at Policy ER1 that Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range of other renewable and low carbon energy generating developments.

235 This Supplementary Guidance is being progressed but to date there is currently a void. In its absence, it is appropriate to take account of existing material to assist with assessing the scheme's fit with the Spatial Framework. The SNH document on the siting and design of windfarms (2014) is particularly useful along with their guidance on Assessing the Cumulative Impact of Onshore Wind Energy Developments (2012). The Tayside Landscape Character Assessment (1999), the 2004 Landscape Study prepared by David Tyldsley Associates and the Technical 2010 David Tyldsley Associates Landscape Study to inform Planning for Wind Energy is also of assistance.

236 There are effectively two approaches that can be applied to fitting a wind energy scheme into the Spatial Framework. One option is to deliberately group or concentrate wind energy developments into particular areas thereby allowing other areas to remain free of wind energy developments. The alternative option is for wind energy developments to be distributed across a larger area, using wide spatial separation as a means of reducing the cumulative effects in any particular locality.

237 The distribution of operational and consented wind farms limits the scope for applying either of these approaches. To achieve clear spatial separation between the baseline that exists within Perth and Kinross would be difficult, similarly to add new wind energy developments to areas with existing wind farms because of the need to achieve compatible designs is also challenging.

238 The grouping of the existing operational Griffin and Calliachar and recently consented Calliachar North effectively creates a 'windfarm landscape' in this

area and is a significant constraint in terms of fitting new wind energy developments into this area. Due to the proximity of Crossburns to the operational and approved Calliacher scheme it is considered that a clear and distinct spatial separation approach cannot be applied. SNH are of the opinion that the proposal is a large extension of the existing Calliacher and I would share this opinion.

239 I would further note that the majority (18) of the proposed 25 turbines would appear to be within the same area as the original application for Calliacher in 2004 for 46 turbines which was refused following the outcome of a Public Local Inquiry of both Calliacher and Griffin in 2008.

240 Whilst it is recognised that the layout and design of Crossburns wind farm is reasonably compatible with the operational Calliacher scheme it will still add further windfarm infrastructure in this locale. Taking this into account it is considered that the proposal fails to comply with LDP Policy PM1A or SNH's Siting and Designing Windfarms in the Landscape 2014.

The Historic Environment, Cultural Heritage

241 Historic Scotland confirmed there are several heritage assets covered by their remit both within the boundary of, and in the vicinity of, the development. Those that lie within the ZTV are limited to scheduled monuments and inventory gardens and designed landscapes.

242 They are content that there should be no significant impact upon the designated Gardens and Designed Landscapes of Taymouth Castle; Castle Menzies; Bolfracks; Grantully Castle; Cluny House, particularly as none of the core landscape areas appear to have visibility of the development. They did note that no assessment has been provided for the Bolfracks GDL, and while they are content from their own assessment that any setting impact is not likely to be significant, it is unclear why it has not been considered for assessment in the ES.

243 Historic Scotland has also confirmed that the setting of various Scheduled Monuments should not be adversely affected even though there are three scheduled monuments (Ular Ring Cairn and Margmore Cup and Ring) are located close to the access track and therefore should be fenced off during construction. The proposed widening of the existing track will present an impact upon the setting of each monument which the ES has not considered, but the magnitude of change is not considered to be significant.

244 Overall Historic Scotland is content with the assessments made in the ES of setting impacts on scheduled monuments, with the exception that they consider the impact on SM 4587 The Dun, fort 400m ESE of Tyndun has been underestimated. The view from the fort up the Ular Burn towards the development site is not identified as a 'key view' in the assessment. They consider that the significance of this element of the monument's setting has not been adequately considered, with the result that the significance of the impact is greater than that stated. However, they do not consider any impact on this

asset to be of national significance, and therefore do not object to the proposed development.

- 245 The proposed wind farm would not have a significant effect on listed buildings, conservation areas, scheduled monument or historic garden and designed landscape, or on the setting of any of these assets and the Council's Conservation Officer has offered no objection to the proposed development. Consequently the proposal does not contravene policies HE1A or HE2 of the LDP.
- 246 Consultation has been undertaken with the Perth and Kinross Heritage Trust's archaeologist. They generally agree with the mitigation measures (including consultation with them) within the ES. To ensure the development complies with the non-designated archaeology policy HE1B conditional control can secure a programme of archaeological works.

Natural Heritage

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

International Nature Conservation Sites

- 248 Development which could have a significant effect on an international nature conservation designated site (or proposed site) will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, that there are no alternative solutions and there are imperative reasons of overriding public interest. In this particular case the site is connected via watercourses to the River Tay Special Area of Conservation (SAC).
- 249 The proposed development site has strong connectivity with the River Tay SAC. The Urlar and Calliachar burns along with several lesser un-named streams drain the development site and flow directly through the Birks of Aberfeldy SSSI and into the River Tay. The qualifying interests of the River Tay SAC are Atlantic salmon, otter, river, brook and sea lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels.
- 250 SNH has confirmed that the proposal is likely to have a significant effect on the qualifying interests of the site. However they have advised the Scottish Governments Energy Consents and Deployment Unit that if the proposal is undertaken strictly in accordance mitigation measures then the potential significant effect on the qualifying interests of this designation can be avoided. They advise the following is required to be secured by conditional control, a

detailed site specific Construction and Environmental Management Plan (EMP) and the appointment of an Ecological Clerk of Works (ECoW)

- 251 An Appropriate Assessment will need to be undertaken by the Scottish Government in line with regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the “Habitats Regulations”). This will ascertain if the proposal is done strictly in accordance with mitigation measures secured by condition, then this will avoid significant impacts on the River Tay SAC.

National Designations

- 252 SNH advised at EIA scoping stage that it is unlikely the River Lyon Bank SSSI, Weem Meadow SSSI and Bolfracks Woods SSSI, all lying within 5km of the development proposal, would be affected by the construction or operation of a wind farm at Crossburns and therefore no further assessment was required. SNH further advised that the SSSI feature at risk in the Birks of Aberfeldy SSSI; the lichen feature could be protected by the mitigations needed to ensure the protection of the River Tay SAC.
- 253 SNH agrees with the conclusion in the ES that there will be no impacts to geese through displacement or collision mortality. Accordingly the elements of Policy NE1B that are applicable to nature conservation designations are not contravened.

Local Designations and Biodiversity

- 254 LDP Policy NE1C confirms that development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. In this case there are no adverse impacts on local nature conservation or geological interest designations. Therefore Policy NE1C is not contravened.
- 255 LDP Policy NE3 stipulates that all wildlife and wildlife habitats, whether formally designated or not, should be protected and enhanced in accordance with the set out criterion. The habitat of the site predominantly consists of dense plantation coniferous woodland with dry dwarf shrub heath across much of the unplanted sections of the site. The impact of construction and operational phases are described in the ES. Otter, Pine Marten and Water Voles were present within the development site with suitable habitat available for Red Squirrel, Wildcat and Badger which were taken to be present at very low density. There is the potential for disturbance or damage to the resting places of protected species from any tree felling and construction and operation of the wind farm, such as operations to create an access track; to widen the existing access track and new water crossings.
- 256 An updated pre-construction Species Survey will be required to inform the specific species mitigation included within the Construction Environmental Management Plan (CEMP). These pre-construction surveys will also help

inform any SNH licensing requirements. SNH advise that the implementation of the specific species mitigation will help safeguard wildlife and wildlife habitats to comply with Policy NE3.

Ornithology

- 257 The development site is not statutorily designated at international or national level for ornithological interests. SPA and SSSI sites which are the nearest designated area for birds have already been assessed.
- 258 The consultation response from the RSPB acknowledges that the wider area surrounding the site historically supported a range of breeding upland birds including Annex 1 Species and raise strong concerns and objection about the suitability of the site for further wind farm developments given the cumulative impacts with other schemes.
- 259 Both RSPB and the Tayside Raptor Study Group note that the site historically supported Curlew, Hen Harrier, Merlin, Short –Eared Owl, Black Grouse within 2km of the site and White-Tailed Eagles with 6km of the site. RSPB do not consider that the survey methods used during a single year with high levels of construction disturbance are sufficient to assess its impact. Current SNH guidance places a *'...greater emphasis on the likely requirement for up to two years of survey, especially for larger or more sensitive developments.'*
- 260 SNH also provides detailed commentary on ornithology. While the survey methods are in line with their guidance, they comment that the site was heavily disturbed during baseline fieldwork by construction of the Beaully-Denny powerline, which bisects the site and the adjacent Calliachar Wind Farm. These activities mean that much of the historic bird interest has probably already been disturbed and displaced by unrelated operations, prior to the commencement of survey work for Crossburns.
- 261 There is evidence from historic data that Crossburns once hosted a diverse upland breeding bird community; however, some of its most distinctive and important components - such as regularly-breeding hen harrier and merlin - now appear to nest only sporadically. As the decline in these species predates the construction of Calliachar and also the Beaully Denny powerline, it may well be that a shift in land management is also partly responsible, however the construction activities would be a significant exacerbating factor. The combination of land management changes with the extensive construction works makes it difficult to predict how the breeding bird community may settle in the future, in the absence of a wind farm constructed on the site.
- 262 The current suite of breeding birds is relatively impoverished in diversity and abundance and key residual species that appear to nest each year include black grouse and short-eared owl; the site is also regularly overflowed by foraging red kite. SNH advise that the predicted collision mortality rate of red kite is relatively low (0.26 birds/yr). This is considered insufficient to adversely affect the regional breeding population of this species or the continuation of its recovery across Scotland.

- 263 While I acknowledge the strong ornithological concerns expressed by RSPB and the Tayside Raptor Study Group, I attach weight to SNH's conclusions and recommendations as they are the body with specific responsibility to provide advice on ornithological matters. In this regard no objection is offered by SNH and I see no reason to recommend an objection on this matter if conditional control is secured.

Water resources and Carbon Rich Soils

Private Water Supplies

- 264 It is acknowledged in the ES that there are 11 private water supplies in the vicinity (3km) of the site and that these supplies may be adversely affected by the development. The ES states that there will be no private water supply abstraction locations within 250 metres of a proposed turbine or borrow pit or within 100 metres from any access track. SEPA have agreed with this and have identified there should be no significant hydrology issues associated with the proposal.
- 265 While contamination of water supplies is a private legal issue, I consider it only reasonable to safeguard water quality and water supplies by condition to ensure the amenity of residential properties and/or other enterprises which use that supply are protected, accordingly conditional control will be required.

Groundwater Dependant Terrestrial Ecosystems

- 266 Groundwater Dependant Terrestrial Ecosystems (GWDTEs), which are types of wetland, are specifically protected under the Water Framework Directive. SEPA confirmed that there were potentially highly dependent groundwater communities within the site that were likely to be affected. Whilst they have objected to the application they also confirmed the majority of concerns could be successfully mitigated and recommend a series of planning condition to be included with any consent.
- 267 SEPA are satisfied that sensitive areas of GWDTE can be avoided by micro-siting infrastructure where possible but if not possible Mitigation measures to maintain the functionality of wetlands and prevent structures from becoming preferential conduits of water can be secured by planning condition.

Management of Peat

- 268 The ES confirms the presence of peat on the site and advises this has been a key consideration in determining the windfarm layout. An initial peat probing survey has informed the location of turbines and infrastructure to avoid areas of deep peat. SEPA are satisfied with this survey but would add that all peat storage areas should be identified in the Construction and Environmental Management Plan (CEMP) and be approved by SEPA; they should be on as level an area as is feasible with mitigation in place to prevent pollution, run-off and slides. In addition these areas must be sited away from any sensitive

habitats and GWDTE's. SEPA therefore requires for conditional control to secure a Construction and Environmental Management Plan (CEMP) is submitted and agreed prior to construction.

Site Drainage and Watercourse Crossings

- 269 The majority of the site is located within the catchment of the Urlar Burn which enters the River Tay, a designated SAC.
- 270 SEPA requires that there is no deterioration in water quality on the main River Tay and tributaries. They note that particular attention should be paid to the protection of the designated waters and species downstream from pollution by sediments and oil during construction. With regards to water crossing they note there is a lot of information but no actual design proposals for individual crossings within the ES. As such it is not possible at this stage to say what level of authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (also known as CAR) will be required for each crossing. That will be governed by the proposed design put forward.
- 271 SEPA advised at pre-application stage that the main access road to the site (approaching Turbine 13) was very close to the water course and a pollution risk and does not seem to have been addressed.
- 272 In addition whilst p. 24, section 3.2.2 in the ES states that "*the number of water crossings has been minimised*" and this sentiment is repeated elsewhere SEPA would suggest the number of crossings could be minimised further, such as:
- 2 x crossings between turbines 11 & 7. These could perhaps be removed by accessing turbine 7 from turbine 8 or 5 instead of from turbine 11.
 - 2 x crossings at turbine 13 to 16 could be eliminated by accessing from turbine 18 instead.
 - 1 x crossing on the way to turbine 19 could be avoided by re-routing the access track around the top of the headwater.
 - 1 x crossing of Urlar Burn could be eliminated between turbine 15 & 20 by utilising the existing Beauly to Denny track crossing point further downstream on the Urlar Burn. This seems to have been briefly considered on page 333 of the ES but it does not go in to detail as to why this aspect is unfeasible and no consideration appears to have been given to replacing this existing B2D crossing with one which would allow turbine components to be delivered.
- 273 In addition, Fig 3-10 of the ES "Typical Culvert Water Course Crossing" SEPA advise that the culvert foundations are located too close to the river bank. It is likely at this proximity the installation of these foundations would cause destabilisation of the river bank (which is contrary to CAR) and suggest this is re-designed to be set further back so as to avoid this issue.

Forestry

- 274 Forestry Commission Scotland (FCS) has highlighted that while the development of the wind farm itself does not directly impact on woodland, forestry works have been identified as required along the access track. They are heartened by the detailed analysis of tree removal required for access within the ES but are disappointed there is no mention of the Scottish Government's Control of Woodland Removal policy (CoWRp), appropriate compensatory planting (CP) or application of UK Forest Standard (UKFS) to the tree related activity.
- 275 FCS appreciate that the scale of the removal is small, and therefore does not object to the proposal as it stands but would advise that the Scottish CoWRp and UKFS will apply for any felling. Given the limited amount of removal proposed FCS suggest that a suspensive condition requiring compensatory planting of around 0.7 ha be applied to any consent given and that this condition can vary the area depending on the final proposal.
- 276 LDP Policy NE2B specifically requires the Council to follow the principles of the Scottish Government's Policy on Woodland Removal and in accordance with that document there should be a presumption in favour of protecting woodland resources. The limited felling and requirement for compensatory planting as specified by the Forestry Commission Scotland helps meet the requirements of Policy NE2B.

Electricity Transmission/Grid Connection.

- 277 The ES advises that the wind farm will connect into the existing grid infrastructure of the under construction upgraded Beaulieu Denny power line which transects the site. No exact location has been identified but it is the applicant's intention to pursue the grid connection through a separate consenting process, although they advise that the short distance required will result in a low impact grid connection.
- 278 While it would have been useful to gain an understanding of the grid connection location at this point in time and consider the effects of the infrastructure in this assessment, nevertheless, I accept that this Council as Planning Authority will be able to comment and assess the acceptability of the connection scheme in relation to Policy ER1 A(c) under the separate consenting process.

Aviation and Telecommunications

- 279 The MOD and CAA has been consulted on this application and has no objection subject to conditional control relating to aviation lighting being installed on the turbines and the exact 'as-built' position of the turbines being confirmed to them in writing. Consultation with NATS also confirms that they have no safeguarding objection to the proposal.
- 280 The ES has taken account of the potential conflict with telecommunication interests and none are predicted to be affected. It is also noted that no

objection has been received from telecommunication operators such as British Telecom, Ofcom and Joint Radio Company.

- 281 Whilst it is not considered that television reception of any domestic properties will be affected when the windfarm is in its operational phase, I consider it prudent to control this by condition should any television reception complaints come forward.

Shadow Flicker

- 282 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents. In this case there are no properties located where shadow flicker would occur and this was scoped out of the assessment.

Noise

- 283 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 284 Consultation with the Council's noise consultant, Dick Bowdler, confirms that there are some properties not included in the assessment which should have been assessed (or rejected with a reasoned argument). There is also concern about the water noise at the Urlar measurement location as some of the proxy locations using these background noise levels are likely to have significantly lower background noise levels. The ES would appear to understate the levels by about 1.7dBA.
- 285 The cumulative turbine noise calculations appear to have been done using the actual turbines at Calliacher and the now approved turbines at Calliacher North.
- 286 However, the Institute of Acoustics Guidelines requires that calculations are carried out assuming that each wind farm operates to its consented limits. Even using a compromise methodology the figures in Table 11.13 of the ES are considered to be 2dB too low.
- 287 The assessment of noise (ETSU-R-97) for lower day time limit has not been established in the ES. This needs to be established for the cumulative effect of

all wind farms in the area so that appropriate conditions can be devised should the application be consented. The same day time and night time limits should be adopted if the application is consented. There is no assessment of the impact of operational noise from the development on the amenity of residents.

288 In the interests of clarity and rigor the following should have been provided in the assessment:

- A commentary on the measures taken to ensure accuracy of the SODAR wind speed equipment.
- A more detailed commentary on the water noise within the background noise measurements.

289 Overall the Council's Noise Consultant considers that it seems probable that this application would meet the required ETSU-R-97 limits but it has not been robustly demonstrated and is considered to be more marginal than the ES suggests. There is no assessment of operational noise on the amenity of residents and is therefore required. Until it is proved the levels of noise associated with the operation of the turbines will not affect the amenity of residents then the proposal fails to comply with LDP Policy EP8.

Transport Implications

290 The construction of Crossburns would result in the local community served by the A822 and A826 between the A9 trunk road and the site being subject to significant inconvenience and disruption. The impact of construction traffic is a significant concern to residents, with the construction and disruption of Calliacher North and the ongoing works associated with the Beauly to Denny overhead line being sited.

291 I acknowledge the impact construction traffic can have on the road network and sympathise with the concerns of local residents. However part of the function of the public road is to facilitate approved developments on sites which are served by it. In this case consultation with the Roads Authorities (Transport Scotland and the Council's Transport Planning Section) has been undertaken and neither has objected to the proposal. The proposed access route will use the same route as Griffin and Calliacher Windfarm and as such has been upgraded and realigned to accommodate these exceptional vehicle movements.

292 The Transport Assessment (TA) included in the appendices of the ES, notes there will be an average of 34 HGV movements per day and 60 car and light van movements.

293 The percentage increase of HGV movements on the A9(T) as a result of the project will be 3% and the percentage increase in total traffic flow as a result of the project is less than 1%. As the percentages do not exceed the Institute of Environmental Management and Assessment (IEMA) thresholds for further assessment, it is accepted that no further evaluation is required.

294 Some minor physical works will be required along the A822 and A826 and conditional control has been recommended and this will assist in minimising the adverse impact on road users. In light of this the development does not conflict with LDP Policy TA1B.

Contribution towards meeting Carbon Reduction and Renewable Energy Targets, socio-economics including tourism and recreation interests

295 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 75MW. The applicant has undertaken a carbon balance assessment (Chapter 5) and has calculated the 'payback time' of CO₂ emissions associated with the development. Table 5.1 in the ES incorporates a Payback Timetable, this predicts an approximate 13 month pay back and a worst case scenario calculated at 15 months.

296 I acknowledge this would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020 as well as contributing to the reduction of greenhouse gas emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050 targets as set out by the Scottish Government.

297 With regards to the Development Plan, it would assist with one of the aims of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the region through a reduction in fossil fuels and LDP Policy ER1A (b) which seeks proposals to contribute to meet carbon reduction targets.

298 The Rob Roy Way runs through the north western section of the proposed site and outdoor access rights has given a new context in Scotland, since the Land Reform (Scotland) Act 2003. This establishes a duty on Local Authorities to uphold the outdoor access rights as specified in Section 13(1) of the Act. This duty on Local Authorities does not stop them from carrying on with the Authority's other functions, an example of this is when they are considering planning applications for development on land over which access rights are exercisable, they will still be able to give consent for developments. Although, where appropriate, suitable planning condition should be considered to ensure reasonable public access in continued.

299 Community Greenspace regularly advise that good practice should respect and manage public access rights during construction and this could be achieved through signage or providing appropriate contact details so advice on safe public access provision could be provided.

300 With regards to the operational phase there will be demand for public access along the Rob Roy Way through the windfarm site and this should not adversely impacted upon by the proposal. Following the completion of construction works tracks should be reinstated and improved to accommodate public access along with appropriate gated entrances to facilitate access for all non-motorised user groups. Should consent be granted it is considered that these matters could be adequately controlled by a planning condition.

- 301 In terms of the wider economy of the economic benefits associated with wind farms are detailed in the applicant's submission. This highlights that 6.5 full-time equivalent jobs will be created during the construction of the development with 2.5 predicted full time equivalent job created during the lifetime of the windfarm.
- 302 It is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local and regional economy as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc.
- 303 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. Overall, based on the findings earlier in this assessment the adverse effects on environmental quality are of such weight to tip this balance towards sufficiently to warrant objection to the application.

LEGAL AGREEMENTS

- 304 None required

DIRECTION BY SCOTTISH MINISTERS

- 305 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 REASON FOR RECOMMENDATION

- 306 The assessment above has taken account of the Development Plan and where necessary provided weight to material considerations. This includes information provided in the ES, comments received from consultees, relevant appeal decisions in northern Perthshire along with representations made.
- 307 There are no overriding problems in relation to the natural heritage interests for the area if conditioned and appropriate noise levels could be secured in line with national guidance. It is acknowledged that the proposal would make a contribution to the provision of energy from renewable resources, with a consequential reduction in CO2 emissions. An element of economic benefit during construction, operation and decommissioning will occur but these have

to be offset against the presence of the windfarm. However, there are significant adverse impacts on landscape and visual highlighted by SNH and the Councils Landscape Consultant as well as significant and unacceptable adverse landscape and visual impacts from the scheme on its own and cumulatively. It should be noted that the concerns on these impacts are also incorporated into SNH's consultation response.

- 308 To conclude, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the development plan unless other material considerations indicate otherwise. In respect of the above the proposal is considered to be contrary to the overriding thrust of the approved TAYplan 2012 and the adopted Local Development Plan 2014. While there is considerable support in the Scottish Planning Policy for this form of development this support is not unconditional, paragraph 187 makes it clear that environmental and cumulative impacts must be addressed. Taking account of the other applicable material considerations I find none of significant weight that would lead to a different conclusion. Accordingly the application is recommended that members lodge an objection to the proposal.

RECOMMENDATION

A Object to the application for the following reasons:

- 1 The proposed wind farm by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 of TAYplan and Policies ER1A (a), ER6 (a)(b) of the Perth and Kinross Development Plan 2014.
- 2 The location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a) (b) (f) of the Perth and Kinross Development Plan 2014.
- 3 The proposal by virtue of the location, prominence, scale and layout of the proposed wind farm and its relationship to other wind turbine developments in the area would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A (a) (h), ER6 (a) (b) of the Perth and Kinross Development Plan 2014
- 4 The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Highland Perthshire, contrary to Policy PM1A of the Perth and Kinross Development Plan 2014.
- 5 The application is contrary to Policy NE1B of the adopted Local Development Plan 2014 as the cumulative effects would erode the experience from popular

summits from the Loch Rannoch and Glen Lyon NSA and the Loch Tummel NSA.

- 6 The application is contrary to Perth and Kinross Council's Supplementary Guidance on Landscape June 2015 as the proposed visual impact will adversely affect the special landscape quality of the designated Special Landscape Areas of Glen Quaich, Loch Tay and Upper Strath Tay.

B JUSTIFICATION

- 309 The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

- 310 None

D INFORMATIVES

- 311 None

Background Papers: 13 letters of representation
Contact Officer: Steve Callan – Ext 75337
Date: 1 September 2015

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

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Section 36 of the Electricity Act 1989

Crossburns Wind Farm, Amulree, Perthshire
Application Ref. 14/00003/WIND

**Erection of up to 25 wind turbines, each with a maximum capacity
of 3.0MW giving a maximum installed capacity of 75MW**

***REVIEW OF THE LANDSCAPE AND VISUAL IMPACT ASESMENT
WITHIN A SUBMITTED ENVIRONMENTAL STATEMENT
ACCOMMPANYING A SECTION 36 WIND FARM APPLICATION
BY WEST COAST ENERGY***



by
BAYOU BLUEnvironment

August 2015



LANDSCAPE PLANNING & ENVIRONMENTAL CONSULTANCY

BAYOU BLUEnvironment Limited

Cottage Lane Farm, Cottage Lane
Collingham, Newark
Nottinghamshire. NG23 7LJ

T: +44(0)1636 555006

M: +44(0)7866 587108

anthony@bbenvironment.co.uk

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**Landscape
Institute**
Registered practice

1. Scope of the Review

1. Bayou Bluenvironment is instructed by Perth & Kinross Council (PKC) to review and comment upon the landscape and visual impact assessment (LVIA), including cumulative impact, submitted in support of an application made under the provisions of Section 36 (S36) of the Electricity Act 1989. The study was commissioned by the Council to help inform its decision and response as a consultee to the Scottish Government's Energy Consents and Deployment Unit (ECDU).
2. The proposal is for the erection of up to 25 three-bladed horizontal axis wind turbines with a hub height of 68.5m, rotor blade diameter of 93m and overall height to blade tip of 115m, located on the Urlar Estate, near Aberfeldy. Each turbine would have a maximum capacity of 3.0MW giving a maximum installed capacity of 75MW. Associated infrastructure includes a site access off the A826, approximately 15.4km of new permanent stoned access track some 5-6m wide with a further 4.2km of upgraded existing track. Some tree felling would be required where the access track is constructed through the forestry off the A826.
3. The application was received by Perth & Kinross Council on 11 November 2014; Ref. 14/00003/WIND. The application is supported by a number of documents including an Environmental Statement, 2014, prepared in accordance with European Council Directive 2011/92/EU as implemented in Scotland by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000, as amended ('The EIA Regulations').
4. Advice is provided to PKC on this specialist subject in terms of whether the LVIA methodology used by the applicant is in accordance with up to date best practice guidance, and the likely landscape and visual effects, including cumulative effects, of the proposed development.
5. This statement has been prepared by Anthony Brown, BA[Hons] TP, MALD, CMLI, Managing Director of Bayou Bluenvironment Limited, a Landscape Institute-registered landscape planning and environmental consultancy. Anthony is a Chartered Landscape Architect and a professional landscape planner with over 30 years' experience in the public and private sectors and has particular experience in landscape character assessment work, landscape sensitivity and capacity assessments and landscape and visual impact assessments for a wide range of development proposals including wind energy throughout the UK.
6. The following documents and other material submitted with the S36 application were reviewed during the preparation of this report:
 - *Design and Access Statement*, Atmos Consulting, October 2014;
 - *Planning Statement*, David Stewart Associates, October 2014;
 - *Environmental Statement*, Atmos Consulting, October 2014, in particular:
 - Volume 1: Report, Chapter 6;
 - Volume 2: Technical Appendices, A6-1 & A6-2;
 - Volume 3: Figures – Chapter 6 Landscape Maps and Visualisations.
7. Other key documents considered during the preparation of this statement were as follows:
 - Landscape Institute and Institute of Environmental Management and Assessment, *Guidelines for Landscape and Visual Impact Assessment*, 3rd Edition (GLVIA3), 2013;

- Landscape Institute Advice Note 01/11, *Photography and Photomontage in landscape and visual impact assessment*;
 - SNH Review No. 122, Land Use Consultants, *Tayside Landscape Character Assessment*, 1999;
 - David Tyldesley & Associates, *Landscape Study - Windfarm Development in the Ochil Hills and part of Southern Highland Perthshire*. Perth and Kinross Council and Clackmannanshire Council, 2004;
 - David Tyldesley & Associates, *Landscape Study to Inform Planning for Wind Energy Final Report*, 2010;
 - SNH, *Visual Assessment of Windfarms Best Practice*, 2002;
 - SNH, *Assessing the Cumulative Impact of Onshore Wind Energy Developments*, 2012;
 - SNH, *Siting and Designing Windfarms in the Landscape*, May 2014;
 - SNH, *Visual Representation of Windfarms Good Practice Guidance*, 2006 (updated 2014);
 - SNH, *Core Areas of Wild Land*, 2013;
 - SNH, *Map of Wild Land Areas, Advice to Government*, June 2014;
 - SNH, *Assessing The Impacts On Wild Land: Interim Guidance Note*, February 2007 Revised October 2014;
 - SNH, *The Special Qualities of the National Scenic Areas*. SNH Commissioned Report No.374, 2010;
 - Perth and Kinross Council, *Supplementary Planning Guidance for Wind Energy Proposals in Perth & Kinross*, May 2005;
 - Perth and Kinross Council, *Landscape Supplementary Guidance*, 2015;
 - Perth and Kinross Council, *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*, (undated);
 - *Perth and Kinross Local Development Plan*, February 2014;
 - *TAYplan: Strategic Development Plan 2012-2032*, Approved June 2012;
8. Site visits were undertaken in August 2015 to view the site and its surroundings from the local road network, other lanes, tracks and public rights of way. Photomontage viewpoint locations and other key visual receptors were visited. The weather was changeable, being wet and dull some of the time but also dry and bright when visibility was good.

2. Scoping and Consultation

9. A Scoping Opinion was sought by the applicant from the Scottish Ministers through a scoping report submitted in February 2013. The EIA has been completed with regard to the content of the Scoping Opinion, June 2013.
10. Pre-application consultation has been undertaken with a range of statutory and non-statutory bodies. Statutory consultees include Perth and Kinross Council Environment Service, SEPA and SNH. Issues covered in consultation responses include consideration of effects on NSAs including special qualities, Core Areas of Wild Land, viewpoint locations, cumulative effects with other wind farms and sequential effects on the Rob Roy Way. SNH specifically requested confirmation of the study area (35km radius) and inclusion of the Beaully-Denny pylons and transmission line in the LVIA (since the re-routed line through the site was under construction at the time of the assessment the pylons were included as part of the landscape baseline).

11. Other SNH concerns were: whether varying hub and tip height is appropriate at this site (an early design iteration included a mix of turbine tip heights across the site ranging from 130m to 151m in lower lying areas); that rotor diameters should be the same as those at Calliachar (93m); and that the scale of the development at Crossburns (39-40 turbines at scoping) compared to the 14 turbines at Calliachar Wind Farm may lead to significant adverse landscape and visual impacts.
12. Other consultees with an interest in landscape and visual issues include Cairngorms National Park, Loch Lomond and the Trossachs National Park, the Directorate for the Built Environment, Historic Scotland, John Muir Trust, Mountaineering Council of Scotland, Scottish Rights of Way and Access Society (ScotWays) and local Community Councils.

3. Site Design Process

13. Consultation responses from ECDU and PKC requested justification for why this particular site was selected above others, with a summary of the selection criteria, resulting in the final design. The ES describes the selection process involving examining and balancing a number of technical, economic, environmental and planning issues. With regard to landscape and visual concerns, specific criteria resulting in the selection of the site for further assessment were:
 - It occupies an elevated location with sufficiently high annual mean wind speed across the site;
 - Extremely limited zone of theoretical visibility, especially to populated areas and transport routes (Figure 3-11 provides an index of visibility across the whole of Perth and Kinross illustrating the screening effects of the bowl like topography of the Urlar Estate);
 - Grid connection directly into the Beaully Denny Transmission line is feasible, thereby making efficient use of a national asset and obviating the requirement for any off-site grid connection works;
 - Access to site for wind turbine components is feasible, with the viability of the route proven by the Griffin and Calliachar wind farms (i.e. the majority of access upgrades required for turbines of the scale proposed are already in place); and
 - There are no designated areas within the site boundary.
14. Key site constraints with regard to landscape and visual issues were identified through survey and consideration of scoping and consultation responses, leading to constraints mapping whereby it was considered that some constraints should not be breached whilst others could be impinged with sufficient justification that impacts were still acceptable. Key site constraints with regard to landscape and visual issues are described in the ES as:
 - Proximity to the Rob Roy Way walking route;
 - Areas of steep slope with gradient greater than 12.5% to the west;
 - Visibility to key visual receptors.
15. The ES constitutes the outcome of the constraints mapping process and the application of design principles. In particular the ES states that the following landscape and visual objectives were taken into account:
 - Ensuring minimal visibility to sensitive and populated glens in the vicinity of the site, including a 'zero visibility' approach to Glen Quaich to the south of the site;

- Minimal visibility from key visual receptors in the area, including ‘zero visibility’ from the Tay Forest viewpoint above Kenmore, Taymouth Castle and Castle Menzies;
 - That the wind farm appears as a coherent extension to the existing Calliachar Wind Farm, whilst ensuring that the emerging wind farm cluster, which also includes Griffin, keeps its impact on sensitive landscape areas to a minimum;
 - To create a turbine layout that reflects the scale of the landscape in which it is located;
 - To create a design that takes account of the relevant national, regional and local policy and guidance; and
 - To respond to the various constraints identified.
16. The ES describes the development as being located in the valley basin of the Urlar Burn and centred on NGR 282450, 744000. It is described as being surrounded by hills, with a distinct ridge to the northwest; the highest point on the ridge being to the southwest of Craig Hill at a height of 563m Above Ordnance Datum (AOD), with Meall Dun Dhomhnuill at 631m being the highest point to the south of the site. The valley of Glen Quaich lies approximately 5km to the south with the Calliachar Burn forming the boundary with the Urlar Estate to the east. The Calliachar Wind Farm is located immediately to the east of the site. The Beauly to Denny transmission line transects the site. A small group of properties are located immediately to the north.

4. ES Chapter 6 Landscape and Visual

Study Area

17. A study area for the LVIA of 35km from the outermost turbines was agreed with PKC and SNH. This complies with SNH recommendation for turbines between 101 and 130m to tip height¹. Zone of Theoretical Visibility (ZTV) maps to hub height and tip height were generated covering the study area, illustrating areas from where the proposed wind turbines may be visible in the landscape.
18. In line with SNH guidance, the cumulative assessment initially considered wind farms within a 60km radius study area from the wind farm site, reduced to focus on developments that are likely to give rise to significant cumulative effects, namely the operational Calliachar Wind Farm and Griffin Wind Farm, and the then proposed North Calliachar (approved on Appeal in March 2015), Creag a' Bhaird and Elrick (Tay Forest District Wind Farm) Wind Farms. Turbines below 50m in height are also given consideration where it was judged that cumulative effects have the potential to be significant, due to proximity and intervisibility. Two consented turbines at Urlar Estate, measuring 46.9m in height to tip are included within the assessment.
19. The assessment scopes out some effects to concentrate on likely significant effects, described in the ES as effects on landscape elements within the site boundary, landscape character effects within 20km, and effects on viewers lying within the ZTV within 35km. This is considered an appropriate basis for the study.

Methodology and Approach

20. The LVIA reported in Chapter 6 of the ES Volume 1 is very comprehensive, running to almost 120 pages. It is backed up by Volume 2 Appendices and Volume 3 Figures containing numerous landscape plans, photomontages and other illustrations.

¹ Visual Representation of Windfarms Good Practice Guidance, SNH, 2006 (updated 2014)

21. An extensive list of information data sources and guidance documents are cited as being used in the preparation of the LVIA. There are no obvious documents missing from the list, however a key SNH document '*Visual Representation of Windfarms Good Practice Guidance*', 2006, was updated in July 2014. The updated version draws on the considerable experience gained in assessing and representing wind farms since the previous version. The guidance has changed considerably and now sets out procedures for the representation of visualisations at a scale that most closely meets the perception of the human eye as receptor at the viewpoint. The method requires photographs to be taken with a fixed 50mm focal length lens on a full frame sensor DSLR camera, which is then cropped and enlarged to provide a 75mm equivalent single frame printed image for viewing in the field at a comfortable arm's length (around 500mm for most people). The previous standard practice required images to be presented at the equivalent 50mm focal length and viewed at a correct "viewing distance" but there are now concerns that illustrations prepared using the previous 2006 guidance would be likely to consistently under-represent perceived scale in relation to the human eye. In following the latest 2014 guidance visualisations should be produced that more accurately represent the likely view of a proposed development experienced or observed from a view point.
22. The methodology for production of the visualisations is described in the ES Volume 2: Technical Appendices, A6-1, based on the 2006 SNH guidance current at that time. However, the visualisations submitted in the ES Volume 3: Chapter 6 Figures include photomontages at both 50mm and 75mm, with a combination of angles of view and viewing distances. The illustrations combine to show the proposed wind farm in the wider landscape setting by means of composite panoramic photomontages and what appear to be single frame images. Despite reference to the PKC guidance note for the preparation and submission of photographs and photomontages to illustrate the impacts of wind energy development, it would appear that many of the requirements of that note have not been met.
23. The ES explains that viewpoint photography was taken between October 2013 and July 2014 with fieldwork during summer and winter months to enable the assessment of effects during winter, being a 'maximum case' situation with minimal screening by vegetation and deciduous trees. Elsewhere the ES states that site visits were undertaken in May 2013 and February 2014. However, a number of the photographs and photomontages are of views when trees were in full leaf.
24. Only five residential properties to the north of the site are judged to have theoretical turbine visibility (receptors 11-15). These are included in a residential visual amenity assessment, illustrated by predicted wireframes but not photomontages. This issue is discussed further below.
25. The LVIA adopts an appropriate approach to the separate assessments of landscape effects and visual effects, in accordance with GLVIA3. Landscape and visual receptors are identified within the 35km study area and ZTV; the visual baseline established in terms of the different groups of people who may experience views of the development and the location and nature of the view; viewpoints agreed with PKC and SNH in advance (although it is not sure whether local Community Councils were consulted on viewpoint selection which is a requirement of the PKC note on the preparation and submission of photographs and photomontages) ; and likely significant landscape and visual effects judged by reference to resource/receptor sensitivity (susceptibility and value) and magnitude of change (nature of change in terms of its size/scale, geographic extent, duration and reversibility) as a result of the development.

26. The LVIA adopts appropriate criteria to determine landscape susceptibility to wind turbines. Susceptibility of landscape receptors is assessed on a scale of high, medium or low. The value of landscape receptors is determined with reference to designated landscapes and indicators such as scenic quality, rarity and recreational value in accordance with GLVIA3. Judgements on value are also made on a scale of high, medium or low. However, the next step in accordance with GLVIA3, combining susceptibility and value to reach a judgement on the overall sensitivity of each landscape receptor, has not been undertaken in the LVIA. This makes understanding how decisions on significance have been reached more cumbersome than it should be.
27. Factors that underlie the nature of the effect (size/scale, geographic extent, duration and reversibility) are combined and a judgement made on the levels of landscape effect and their overall significance, using experience and professional judgement, in accordance with GLVIA3. Levels of effect are assessed as negligible, minor, moderate or major, with moderate and major effects considered significant in the context of the EIA Regulations.
28. Rather than adopting a rigid matrix-type approach to the assessment of significance, where level of effect is defined by combining sensitivity and magnitude of change, the LVIA affords different weight to the many different variables according to site-specific and location-specific considerations in every instance, using experience and professional judgement to reach conclusions on differing levels of effect.
29. Whilst this approach to judging the likely effects of the proposed development in accordance with local circumstances is encouraged, it is unclear whether the methodology allows for the recording of all likely significant effects. For example, in some situations a moderate effect on a receptor of medium sensitivity could be significant, and similarly a small effect on a highly sensitive receptor and a large effect on a less sensitive receptor may also be significant.
30. With regard to assessing the significance of visual effects, the LVIA follows GLVIA 3 guidance to consider the range and type of people whose views are likely to be affected by the development, their sensitivity (susceptibility to change in view/visual amenity and the value attached to a view) and the nature of the change in view (size/scale, geographic extent, duration and reversibility).
31. Susceptibility of different groups of visual receptor is recorded as high, medium or low. Travellers on scenic routes whose attention is focused on the surrounding landscape fall in the medium category, although GLVIA3 advises that where travel involves recognised scenic routes awareness of views is likely to be particularly high (GLVIA para6.33).
32. Value is attributed to a view and a judgement is recorded whether the view is of international value, national value, local/regional value or community value in relation to planning designations, heritage assets and numbers of people experiencing the view. As with the landscape assessment, the visual impact assessment fails to give an overall judgement on visual sensitivity (by combining susceptibility and value) which is a key step in the assessment process recommended in GLVIA. Furthermore, it is unclear how a judgement has been made on the numbers of people likely to experience the view.
33. The size/scale of the change in view is determined by the loss or addition of features in the view and changes in its composition, including the proportion of the view occupied by the

development; the degree of contrast or integration of any new features or changes in the landscape with the existing or remaining landscape elements and characteristics in terms of form, scale and mass, line, height, colour and texture; and the nature of the view of the development, in terms of whether views will be full, partial or glimpses. The scale of visual change is recorded as large, medium, small or imperceptible.

34. The extent over which the change would be visible is recorded, and the duration of change expressed as short term (0-5 years), medium term (5-10 years) or long term (over 10 years).
35. As for landscape effects, the evaluations of the individual aspects of visual susceptibility, value, size and scale, geographical extent, duration and reversibility are considered together to provide an overall profile of each identified effect. An overview is then taken of the distribution of judgements for each aspect to make an informed professional assessment of the overall level of effect, drawing on guidance provided in GLVIA3. Levels of effect are assessed as negligible, minor, moderate or major, with moderate and major effects considered significant in the context of the EIA Regulations.

Landscape Baseline

36. The LVIA establishes the landscape baseline in terms of existing landscape elements and features within the site and its surroundings, landscape character within the study area and key landscape characteristics. Some site characteristics are in keeping with the Highland Summits and Plateaux LCT3 identified in the Tayside LCA, 1999. However, the LVIA correctly notes that its remoteness and wildness has been lost since then due to the construction of the Calliacher Wind Farm and overhead transmission lines.
37. The LVIA recognises that there have been two landscape studies since preparation of the Tayside LCA in 1999 (the David Tyldesley & Associates (DTA) studies in 2004 and 2010 listed in paragraph 7 above) that include more detailed classification of landscape character across parts of Perth and Kinross, including the development site, than that provided within the 1999 Tayside LCA. The site lies within the High Moorland Plateau Landscape Type 3b within the 2010 DTA study, and within the smaller Landscape Unit referred to as 3b (v) Meall Dearg/Meall a' Choire Chreagaich . The DTA study allocates a low level of landscape sensitivity to Unit 3b(v) with the capacity for a medium scale wind energy development (13-20 turbines up to approximately 120m high) except for the northernmost part of the site which lies within a sensitive visual compartment around the iconic viewpoint from the summit of Schiehallion. However, that study also recognises that wind farm development is clustered around this Zone D where key considerations are cumulative effects. It notes that the scale, location and design of new wind farm development should be in keeping with existing wind farms. The 2010 DTA study provides guidance to aid management of wind farm development within Zone D as follows:

“A landscape of medium or low sensitivity where visual impact with the A822 and A827, and cumulative effect with Calliacher (a “medium wind farm”) and Griffin (a “large wind farm”) are the key considerations. Griffin and Calliacher are a significant constraint in terms of fitting new wind energy developments into this area.

When constructed, these wind farms will create a “wind farm landscape” within Zone D. Cumulative effects mean that further wind energy development may be inappropriate subject to consideration of other relevant issues by the Council. It is unlikely that sufficient separation distance could be achieved between a new proposal and Calliacher and Griffin, so unless a policy decision is taken to promote a

concentration of wind energy development in this zone, cumulative effects indicate that the area has reached capacity. Any new wind energy development should clearly demonstrate that cumulative effects are acceptable and should be of similar scale to, or smaller than, Calliachar in terms of height and spacing of turbines and should be designed to be demonstrably compatible with both Calliachar and Griffin. Any proposal should also avoid adverse visual impact on the highly sensitive highland landscapes to the north and west. At a strategic level it would appear unlikely that a proposal could meet these requirements.”

38. The Crossburns LVIA stresses that the relationship with existing Calliachar Wind Farm has been a key consideration in the design process, and the development aims to present a simple and balanced image, both on its own and when viewed with Calliachar. The scale of the development is considered to be appropriate to the scale of the development site, which is a large-scale upland landscape. The turbine size of up to 115m to blade tip was apparently selected to be consistent with Calliachar Wind Farm (109.5m to tip), and to maximise the visual containment offered by the ‘bowl’ shaped landscape. While the turbine size is slightly taller than those already in operation at Calliachar Wind Farm, they are located on lower ground, and will have a similar rotor diameter (90-93m).
39. Landscape Character Types from the 1999 Tayside LCA within a distance of 20km are included in the assessment of significant landscape character effects, this distance chosen due to limited theoretical visibility, distance and visual separation between the development and the landscape beyond a radius of this distance. Selected LCTs beyond 20km are also included where it is considered that there is the potential for significant effects. It should be noted that the Tayside LCA was prepared more than fifteen years ago and the 2010 DTA study mentioned above refined and sub-divided some of the landscape character types and units identified in the Tayside LCA, and is therefore the most recent and detailed available characterisation of the whole of the Perth and Kinross landscape. It would thus be more appropriate for the Crossburns LVIA to use the landscape character types and units identified in the 2010 DTA study and not the 1999 Tayside LCA.
40. Potentially susceptible and valued landscapes within the study area included in the assessment are Cairngorms National Park, Loch Rannoch and Glen Lyon NSA and four Wild Land Areas, namely Breadalbane – Schiehallion; Ben Lawers; Lyon – Lochay; and Rannoch – Nevis – Mamores – Alder Wild Land Area.
41. Other potentially susceptible and valued landscapes within the study area where significant effects are considered unlikely have been scoped out of the assessment. These are Loch Lomond and the Trossachs National Park and three NSAs (Loch Tummel; River Tay (Dunkeld); and River Earn (Comrie to St Fillans)).
42. There were no locally designated landscapes within Perth and Kinross at the time of the assessment. However, Landscape Supplementary Guidance 2015 was adopted by PKC on the 17th June 2015 as statutory supplementary guidance to the adopted Local Plan. The Supplementary Guidance (SG) reinforces Local Development Policy ER6 “Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes” and helps bring forward land management initiatives to protect and enhance the Special Landscape Areas in Perth and Kinross identified in the SG. Scottish Planning Policy (2014) supports the protection of locally designated landscape areas and sites. It states that: *“the purpose of areas of local landscape value should be to:*

- *safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or*
- *promote understanding and awareness of the distinctive character and special qualities of local landscapes; or*
- *safeguard and promote important local settings for outdoor recreation and tourism”*

43. The Landscape Supplementary Guidance 2015 identifies eleven Special Landscape Areas (SLAs) in Perth and Kinross. The southern part of the Crossburns Wind Farm application site lies within the Glen Quaich SLA (although no turbines would lie within it). The SG describes the high pass over Glen Lochay to the south that links to Glen Almond which is today the route of the Rob Roy Way long-distance walking route. The minor road through the glen is described as the highlight of the area and a popular tourist drive. From the high ground of A' Chrois, as the road descends, is a panoramic view southward along and across the glen, with Loch Freuchie as its focal point, and a backdrop of distant hills beyond. The first glimpses of Loch Tay and the iconic mountains to the north from the high point along the minor road between Amulree and Kenmore are recognised as one of the special qualities of the SLA.
44. The northern part of the Crossburns application site also abuts two other SLAs; Loch Tay SLA and Upper Strath Tay SLA. Although no turbines would lie within these SLAs, they would occupy the narrow gap between them and the Glen Quaich SLA to the south. The adopted supplementary guidance describes the Upper Strath Tay SLA as being at the heart of Perth and Kinross as a visitor destination, where special qualities are the views westwards of the Ben Lawers massif and Schiehallion, and its strong sense of place. The strath is framed to the south by low hills forming the edge of the moorland plateau (within which Crossburns Wind Farm would be located).
45. The objectives within each of these SLAs of ensuring *“particular care in siting and design of potentially intrusive structures such as masts and wind turbines”* would seem particularly appropriate to the application site.

Visual Baseline

46. From analysing the ZTVs the LVIA suggests that the development site is visually contained, with most visibility within 10-15km or from more distant hills and elevated slopes facing the site. It should be noted that there is considerable theoretical visibility up to 25km to the north east from an area between Ben Vrackie and the hills of the Forest of Clunie.
47. The LVIA summarises visibility within bands of 5km, between 5-10km and between 15-35km from the development. It refers to landscape character units from the 1999 Tayside LCA but, as mentioned above, it would be more appropriate to use the landscape character types and units identified in the 2010 DTA study as the most recent and detailed available characterisation of the whole of the Perth and Kinross landscape.
48. Residential visual receptors along the Urlar track are not mentioned within the 5km band. Instead, views from residential properties within 3km of the proposed turbines are included within a detailed residential visual amenity study. This assesses the magnitude of change in visual amenity, and for those properties experiencing a high magnitude the assessment comes to a judgement on whether the predicted change has the potential to adversely affect living conditions. No assessment is made on the likely significance of visual effect on these properties in the context of the EIA Regulations; hence they are not included in the visual baseline description or the visual impact assessment. The EU Directive and

Regulations are clear that ALL likely significant environmental effects should be identified and taken into account in decision making.

49. Key visual receptors are listed as:

- Local residents at Margmore and Urlar;
- Walkers using the Rob Roy Way;
- Road users travelling on minor roads local to the development; and
- Hill walkers throughout the study area.

50. The LVIA suggests the limited ZTV means that relatively few visual receptors will be affected by the wind farm, reflecting the 'bowl' like topography of the development site. It should be recognised that the Rob Roy Way is a popular long distance footpath and that Glen Quaich is a popular route across Perthshire between Strathbraan and Strath Tay due to its accessibility, with the minor road through the glen a popular tourist drive. Strath Tay to the north is at the heart of Perth and Kinross as a visitor destination (Landscape Supplementary Guidance 2015, Statements of Significance).

Landscape Assessment

51. As mentioned above, the LVIA refers to the landscape character types and landscape units within the 1999 Tayside LCA. The 2010 DTA study is the most recent and detailed available characterisation of the whole of the Perth and Kinross landscape. As well as updating the 1999 landscape classification, most importantly it addresses landscape sensitivity to wind energy development.

52. The LVIA gives an assessment of effects within the construction and operation phases. The text describes landscape susceptibility and value, but not overall landscape sensitivity (as referred to above). The text also describes the scale of change to the landscape and the duration and reversibility of that change, with an overall judgement made on the level of effect and significance. The assessment is summarised in a table that only shows the level of effect and significance (as a correlation), giving the impression that landscape susceptibility, value and sensitivity are less important in the assessment of likely significant effects. Best practice guidance advises that a significant effect can arise with a smaller level of effect on a more highly valued or susceptible receptor.

53. The landscape assessment concludes that there will only be significant landscape effects on the landscape of the development site itself and the character of the Highland Summits and Plateaux LCT within around 5km of the site. The level of effect on all other landscape receptors is minor and not significant according to the LVIA. This appears to underplay the likely effects on the Highland Summits and Plateaux LCT beyond 5km of the site, including north of Strath Tay. This area falls within Special Landscape Area 4: Upper Strath Tay with special qualities being its strong sense of place and views westwards to the Ben Lawers massif and Schiehallion. Viewpoint 7 (Tom of Cluny) and Viewpoint 12 (Rob Roy Way, north of Strath Tay) lie within the SLA and from where there would be westwards views of Crossburns Wind Farm which the LVIA acknowledges would create significant effects at 7.6km and 12.4km respectively. The turbines would lie directly in views westwards towards Ben Lawers and Schiehallion, thus adversely affecting the special qualities of the Upper Strath Tay Special Landscape Area (see ES Figures 6-22b and 6-27b) which extends northwards as far as Meall a' Charra some 15km from the Crossburns application site.

54. The assessment also appears to underplay likely effects on the character of the Upper Highland Glens LCT, in particular Glen Quaich which is afforded the highest sensitivity to wind energy development in the 2010 DTA study (landscape unit 1a(ii)). Glen Quaich is recognised as a Special Landscape Area in the Landscape Supplementary Guidance 2015; a highly valued landscape at the local level that should be protected and enhanced. Whilst the scenic value of this landscape is recognised in the LVIA, its susceptibility to change and the scale of change are reduced in the assessment by the effect of the operational Calliacher Wind Farm. The cumulative effect of Crossburns and Calliacher (and indeed North Calliacher recently approved on Appeal) together with other wind farms including Griffin therefore needs very careful assessment.
55. Similarly, the scale of landscape change on highly susceptible and valued designated landscapes, such as the Loch Rannoch & Glen Lyon NSA, is reduced in the assessment by the existing effects of Calliacher Wind Farm. Whilst the ZTV identifies some locations where Crossburns Wind Farm will be visible on its own, there are many other locations where theoretically it will be seen alongside other wind farms. A careful assessment of cumulative effects is thus vital to enable a decision on likely significant effects.

Visual Assessment

56. Comments on individual viewpoint assessments in the LVIA are as follows:
- **Viewpoint 1:** road users are assessed as being of medium susceptibility because the minor road between Kenmore and Amulree is not recognised as a scenic route in the visual assessment. However, the Glen Quaich SLA describes this scenic route as a special quality. Consequently susceptibility of road users should be high. Furthermore, the value attached to the view from this route is assessed in the LVIA as ‘community value’ as it is thought to be experienced by low numbers of people. However, the Landscape Supplementary Guidance 2015 describes Glen Quaich as a popular route across Perthshire, the minor road being the highlight of the area and a popular tourist drive. Consequently views are highly valued, and overall visual sensitivity is high;
 - **Viewpoint 8:** the level of effect is assessed as minor and not significant, even though the LVIA acknowledges that there would be a large scale change in views that are highly susceptible to change;
 - **Viewpoint 14** (within Loch Rannoch & Glen Lyon NSA and Wild Land Area): the level of effect is assessed as minor and not significant, even though the LVIA acknowledges that visual receptors are highly susceptible to change and views are of national value i.e. highly sensitive. At less than 14km distance to the nearest turbine (closer than viewpoint 15 from Schiehallion), Crossburns Wind Farm is likely to create a large change in view (assessed as medium in the LVIA) being clearly seen in front of other wind farms as shown in Figure 6-29. Consequently the assessment understates the effect which is likely to be significant (a similar assessment as viewpoint 15);
 - **Viewpoint 16** (within Loch Rannoch & Glen Lyon NSA and Wild Land Area): the level of effect is assessed as minor and not significant, even though the LVIA acknowledges that visual receptors are highly susceptible to change and views are of national value (but should probably be higher than this due to the numbers of people likely to experience the view, i.e. highly sensitive). The closest turbine would be a distance of 17.6km, with Crossburns likely to be perceived as a separate wind farm clearly seen sprawling out and in front of the other wind farms which are viewed more as a collective unit, as shown in Figure 6-31. Consequently the assessment understates the effect which is likely to be significant;

- **Viewpoint 17:** the level of effect is assessed as minor and not significant, even though the LVIA acknowledges that visual receptors are highly susceptible to change and views are of national value (but should probably be higher than this due to the numbers of people likely to experience the view, i.e. highly sensitive). The assessment made is for a small scale change in view, largely due to distance at over 21km. However, even at this distance the turbines will be clearly seen as a separate wind farm sprawling out and in front of Calliachar and North Calliachar as shown in Figure 6-32. Consequently the assessment understates the effect which is likely to be significant;
- **Viewpoint 18** (within the Cairngorms National Park): the level of effect is assessed as minor and not significant, even though the LVIA acknowledges that visual receptors are highly susceptible to change and views are of national value (but should probably be higher than this due to the numbers of people likely to experience the view, i.e. highly sensitive). The assessment made is for a small scale change in view, largely due to distance at over 21km. However, even at this distance the turbines will be clearly seen as a separate wind farm sprawling out and in front of Calliachar and North Calliachar as shown in Figure 6-32. Consequently the assessment understates the effect which is likely to be significant.

57. A viewpoint northwards from the minor road between Amulree and Kenmore should have been included in the LVIA. From around the highpoint along the road the successive view (obtained by the observer turning his/her head) would include Crossburns Wind Farm and the spectacular view across Loch Tay to the distinctive mountain ranges including the summits of Ben Lawers and Schiehallion within the Loch Rannoch & Glen Lyon NSA.

Residential Visual Amenity Study

58. The scope of this review does not include detailed consideration of the assessment of effects on living conditions contained within the Residential Visual Amenity Study. However, comment is made in terms of the likely significant effects on views from residential receptors within 3km from the development site. These properties are not included in the visual baseline description within the LVIA and no assessment is made of likely significant visual effects on these properties in the context of the EIA Regulations. This is considered to be a major omission from the ES since these effects should be taken into account in reaching a decision on the overall effects of the development.

59. Five dwellings within 3km are identified in the LVIA as having some theoretical visibility of the development. They are all located along the minor road between Margmore and Urlar. The main orientation and primary outlook from each of these dwellings has not been verified since they were only viewed from publicly accessible locations. This seems strange; to undertake a thorough Residential Visual Amenity Study each property should be visited.

60. Wireframes are presented to provide a representative range of views from each property. However their value to the exercise is questioned since they illustrate a bare ground situation which does not take into account any vegetation or buildings or other screening features in the view. Views from three of the properties are assessed in the LVIA as being screened by intervening trees or buildings resulting in an imperceptible or low magnitude of change.

61. One property, Margmore, is assessed as experiencing a medium magnitude of change due to the presence of substantial coniferous plantations which provide some screening. Only one of the five properties, Urlar Farmhouse, is assessed as having direct open views of the Crossburns turbines, with a high magnitude of change. It is not possible to comment on this

assessment by using the wireframes only; photomontages are required to indicate the likely view from properties within 3km to inform an assessment of significant effects. Clearly, a high magnitude of change on views from a highly sensitive residential receptor is likely to result in a significant effect.

62. Furthermore, consideration should be given to the permanency of features that currently provide a screen to local views of the development, in particular conifer plantations where management normally involves tree felling and re-planting.

Cumulative Assessment

63. The cumulative landscape and visual impact assessment (CLVIA) considers additional impacts of the Crossburns Wind Farm with other existing, consented (as Scenario 1) or proposed (as Scenario 2) wind farms, and the combined effects of these developments together. Key routes have been used to inform an assessment of sequential effects. This approach is helpful in gaining an understanding of the likely landscape and visual impacts should the Crossburns Wind Farm be constructed.
64. It should be noted that the CLVIA is made on the current status of a wind farm proposal at the time of the assessment. As the planning status of a scheme changes, the inclusion of a scheme within scenario 1 or 2 is likely to change. For example, at the time of the assessment North Calliacher was at Appeal and thus included in scenario 2. However it has recently been allowed on Appeal and should now be considered within scenario 1.
65. Cumulative ZTV maps have been prepared, from which five key viewpoints (VPs 13, 15, 16, 17 & 18) were selected to inform the assessment of combined and successive cumulative effects. There is no justification or reasoning given for choosing these five viewpoints, or whether they were agreed beforehand. They are all representative of recreational walkers whereas other receptors could have been represented in other cumulative viewpoints, for example residents along the minor Urlar road close to the site.
66. Criteria are established for determining the size/scale of cumulative effect within a range of high, medium, low or imperceptible change. As in the assessments of landscape and visual effects, the CLVIA evaluates susceptibility, value, size/scale, geographical extent, duration and reversibility. Levels of effect are identified as negligible, minor, moderate or major, where moderate or major effects are considered significant in the context of the EIA Regulations.
67. With regard to cumulative effects on landscape character, the CLVIA considers effects on the wider Highland Summits and Plateaux LCT as identified in the 1999 Tayside LCA. It is considered that this is too broad and an assessment of the smaller landscape units in the vicinity of the site is more appropriate, to consider the cumulative effects of Crossburns with Calliacher, North Calliacher and Griffin wind farms in particular. Crossburns would be located within the same landscape unit as Calliacher and also the re-routed Bealey-Denny transmission line (landscape unit 3b(v) in the 2010 DTA study), whereas North Calliacher and Griffin (and Creag a' Bhaird if constructed) would be located within the adjoining unit 3c(v) (in the 2010 DTA study). The cumulative effect of the operational wind farms together has created a 'wind farm landscape' in this part of the Highland Summits and Plateaux LCT. As discussed in the DTA study and repeated in paragraph 37 above, cumulative effects already indicate that the area has reached capacity. Any new proposal should avoid adverse visual impact on the highly sensitive highland landscapes to the north and west. Since the LVIA acknowledges that there will be significant effects from sensitive locations to the north, and

given the suggestion in this statement in paragraph 55 that there are likely to be further significant effects in other landscapes to the north and west, it would appear that the addition of Crossburns Wind Farm within this landscape would 'tip the balance', resulting in significant cumulative effects.

68. The CLVIA acknowledges significant cumulative visual effects on viewpoint 15 (Schiehallion within Loch Rannoch & Glen Lyon NSA), localised views from road users on the Amulree to Kenmore road, glimpsed views from users on the A827 road, and walkers on the Rob Roy Way close to the development site and from locations along the long distance footpath through the upper areas of Strath Tay. Following on from the comments on visual effects in this statement in paragraph 55, it is considered that CLVIA understates likely cumulative effects on viewpoints 14 and 16 also within the Loch Rannoch & Glen Lyon NSA.

5. Summary of Key Findings

69. The key findings of this review of the landscape and visual impact assessment (LVIA), including cumulative impact, submitted in support of an application made under the provisions of Section 36 (S36) of the Electricity Act 1989 for the development of Crossburns Wind Farm are as follows:
- An extensive list of information data sources and guidance documents are cited as being used in the preparation of the LVIA. A key document is SNHs '*Visual Representation of Windfarms Good Practice Guidance*', 2006, which was current at the time of the assessment. However, that guidance was updated in July 2014; the revised version has changed considerably and now sets out procedures for the representation of visualisations at a scale that most closely meets the perception of the human eye as receptor at the viewpoint. Illustrations prepared using the previous 2006 guidance are likely to under-represent perceived scale in relation to the human eye;
 - Despite reference to the PKC note '*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*', it would appear that many of the requirements of the guidance have not been met;
 - Viewpoints were apparently agreed with PKC and SNH in advance, but it is not clear whether local Community Councils were consulted on viewpoint selection which is a requirement of the PKC note on the preparation and submission of photographs and photomontages;
 - The methodology used in the LVIA is generally in accordance with the *Guidelines for Landscape and Visual Impact Assessment*, 3rd Edition (GLVIA3), Landscape Institute and Institute of Environmental Management and Assessment, 2013. However, the assessment does not follow the guidance and usual convention to reach a judgement on the overall sensitivity of each landscape and visual receptor by combining the evaluation of susceptibility to change and value. This makes understanding how decisions on significance have been reached more cumbersome than it should be;
 - Rather than adopting a rigid matrix-type approach to the assessment of significance, where level of effect is defined by combining sensitivity and magnitude of change, the LVIA affords different weight to the many different variables according to site-specific

and location-specific considerations in every instance, using experience and professional judgement to reach conclusions on differing levels of effect. Whilst this is acceptable, it is unclear whether the methodology allows for the recording of all likely significant effects. For example, in some situations a moderate effect on a receptor of medium sensitivity could be significant, and similarly a small effect on a highly sensitive receptor and a large effect on a less sensitive receptor may also be significant;

- Travellers on scenic routes whose attention is focused on the surrounding landscape are assigned medium sensitivity, but GLVIA3 advises that where travel involves recognised scenic routes awareness of views is likely to be particularly high;
- Value is attributed to a view and a judgement is recorded whether the view is of international value, national value, local/regional value or community value in relation to planning designations, heritage assets and numbers of people experiencing the view. However, it is unclear how a judgement has been made on the numbers of people likely to experience the view;
- Effect on landscape character is made using the landscape character types from the 1999 Tayside LCA. A more detailed classification of landscape character across Perth and Kinross was prepared by David Tyldesley and Associates (DTA) in 2010. The DTA study is directly relevant as it assesses landscape sensitivity and capacity of the Perth and Kinross landscape to wind energy and provides guidance to aid management of wind farm development;
- There were no locally designated landscapes within Perth and Kinross at the time of the assessment. However, the Landscape Supplementary Guidance 2015 identifies eleven Special Landscape Areas (SLAs) in Perth and Kinross. The southern part of the Crossburns Wind Farm application site lies within the Glen Quaich SLA which describes the minor road through the glen as the highlight of the area and a scenic route and popular tourist drive;
- The northern part of the Crossburns application site also abuts two other SLAs; Loch Tay SLA and Upper Strath Tay SLA. Although no turbines would lie within these SLAs, they would occupy the narrow gap between them and the Glen Quaich SLA to the south. The objectives within each of these SLAs of ensuring *“particular care in siting and design of potentially intrusive structures such as masts and wind turbines”* would seem particularly appropriate to the application site;
- The Crossburns Wind Farm would lie within westward views from the Upper Strath Tay SLA thus affecting its special qualities described in the 2015 Landscape SG as the views westwards of the Ben Lawers massif and Schiehallion, and its strong sense of place;
- The LVIA suggests the limited ZTV means that relatively few visual receptors will be affected by the wind farm. However, the Rob Roy Way is a popular long distance footpath, Glen Quaich is a popular route across Perthshire between Strathbraan and Strath Tay with the minor road through the glen a popular tourist drive, and Strath Tay is at the heart of Perth and Kinross as a visitor destination;
- The landscape assessment is summarised in a table that only shows the level of effect and significance (as a correlation), giving the impression that landscape susceptibility, value and sensitivity are less important in the assessment of likely significant effects.

Best practice guidance advises that a significant effect can arise with a smaller level of effect on a more highly valued or susceptible receptor;

- The landscape assessment understates likely effects on the character of the Upper Highland Glens LCT, in particular Glen Quaich (a Special Landscape Area) which is afforded the highest sensitivity to wind energy development in the 2010 DTA study;
- The 'community value' and medium susceptibility attached to viewpoint 1 (minor road between Kenmore & Amulree) are questioned because the assessment fails to recognise this as a popular scenic route;
- A viewpoint northwards close to the high point along the road should have been included in the LVIA;
- The level of effect at viewpoint 8 (Creagan ne Beinne) is assessed as minor and not significant, which is understated since it is acknowledged that there would be a large scale change in views that are highly susceptible to change;
- The level of effects at viewpoint 14 (Meall Greigh) & viewpoint 16 (Ben Lawers) are assessed as minor and not significant, which are understated. Both viewpoints are within the Loch Rannoch & Glen Lyon NSA and Wild Land Areas; views are assessed of 'national value' but should probably be higher due to the numbers of people likely to experience the view; Crossburns Wind Farm is likely to create a large change in view (assessed as medium in the LVIA) being clearly seen in front of other wind farms, with significant effects; Crossburns would appear as a separate wind farm at viewpoint 16;
- The level of effects at viewpoint 17 (Ben Vrackie) & viewpoint 18 (Carn Liath within Cairngorms National Park) are assessed as minor and not significant, which are understated. Views are assessed of 'national value' but should probably be higher due to the numbers of people likely to experience the view; Crossburns Wind Farm is likely to create a large change in view (assessed as small in the LVIA due to distance) being clearly seen as a separate wind farm sprawling out and in front of Calliacher and North Calliacher, with significant effects;
- Views from residential properties within 3km of the proposed turbines along the minor road between Margmore and Urlar are included within a detailed residential visual amenity study but they do not form part of the visual baseline for the assessment. No assessment is made on the likely significance of visual effect on these properties in the context of the EIA Regulations. This is a major omission from the ES since the EU Directive and EIA Regulations are clear that ALL likely significant environmental effects should be identified and taken into account in decision making;
- The Residential Visual Amenity Study should include views from all the private properties included in the assessment, not only from publicly accessible locations;
- The value of wireframes in the Residential Visual Amenity Study is questioned since they illustrate a bare ground situation, but screening from trees and buildings reduce the magnitude of change in the assessment. Photomontages are required to indicate the likely view from properties within 3km, and discussion on woodland management (normally involving tree felling and re-planting) in order to make a judgement on likely significant effects;

- Cumulative ZTV maps have been prepared, from which five key viewpoints (VPs 13, 15, 16, 17 & 18) were selected to inform the assessment of combined and successive cumulative effects. There is no justification or reasoning given for choosing these five viewpoints, which are all representative of recreational walkers, or whether they were agreed beforehand;
- With regard to cumulative effects on landscape character, the CLVIA considers effects on the wider Highland Summits and Plateaux LCT as identified in the 1999 Tayside LCA. It is considered that this is too broad and an assessment of the smaller landscape units in the vicinity of the site in accordance with the 2010 DTA study is more appropriate. Crossburns would be located within the same landscape unit as Calliacher and the re-routed Bealey-Denny transmission line (landscape unit 3b(v) in the 2010 DTA study), and North Calliacher and Griffin (and Creag a' Bhaird if constructed) would be located within the adjoining unit 3c(v) (in the 2010 DTA study). The cumulative effect of the operational wind farms together has created a 'wind farm landscape' that has reached capacity and the addition of Crossburns Wind Farm within this landscape would 'tip the balance', resulting in significant cumulative effects;
- The cumulative LVIA understates likely cumulative effects on viewpoints 14 and 16 also within the Loch Rannoch & Glen Lyon NSA.



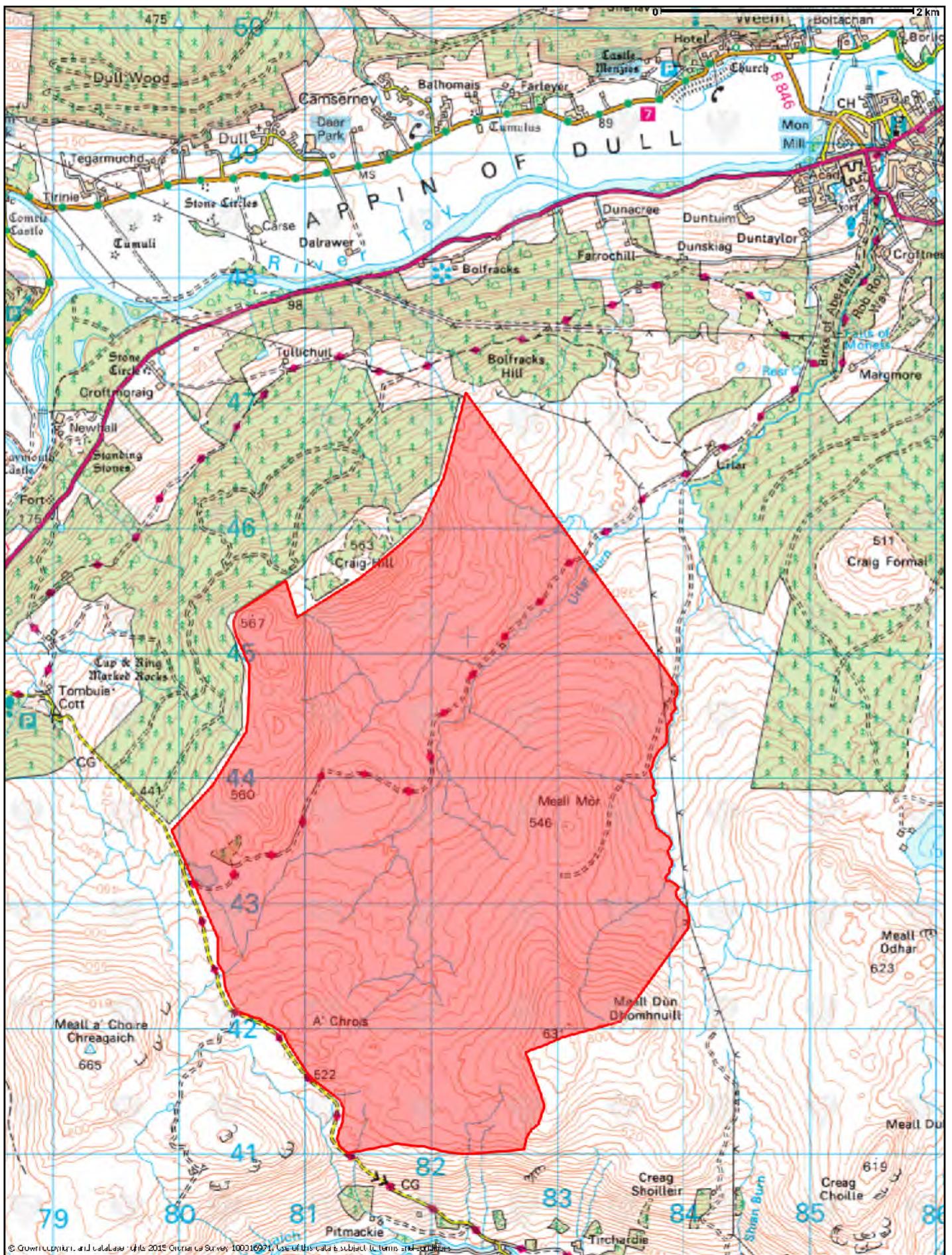
14/00003/WIND

Section 36 of the Electricity Act application for the erection of 25 x 115 metre high wind turbines and ancillary works on land at Crossburns, Urr Estate near Aberfeldy



Scale 1:75000

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Scale 1:40000

14/00003/WIND

Section 36 of the Electricity Act application for the erection of 25 x 115 metre high wind turbines and ancillary works on land at Crossburns, Urlar Estate near Aberfeldy

