

Perth and Kinross Council
Development Control Committee – 14 October 2015
Report of Handling by Development Quality Manager

**Erection of seventeen wind turbines and ancillary works on land at Dulater Hill
near Butterstone.**

Ref. No: 14/00002/WIND

Ward No: 5 - Strathtay

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 17 x 125m high wind turbines and associated works for Ecotricity Ltd on land at Dulater Hill near Butterstone. The windfarm would have a maximum generating capacity of 57.8 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 seventeen turbines and associated infrastructure at Dulater Hill as the location, prominence, scale and layout of the proposed windfarm would have an unacceptable and adverse impact on the River Tay (Dunkeld) National Scenic Area, the immediate landscape character as well as the wider landscape setting. Additionally the windfarm would have 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.

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 over-riding 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 should be refused.

PROPOSAL

- 1 The windfarm application site is approximately 640 hectares of the Laighwood Estate of 2,500 hectares and is situated on land north of the A923 near Butterstone. The site is approximately 7.5km north east of Dunkeld and 7.5km west of Blairgowrie and is predominantly upland moorland used for managing cattle and sheep grazing. It is also used for recreational activities including gaming, deer stalking and fishing. The northern boundary of the site is formed by the Benachally Burn which is a tributary of the Lornty Burn which forms the north eastern boundary of the site. The Drouthy Burn runs through the centre of the application site before forming the south eastern boundary. The Buckny Burn forms the western boundary of the site whilst the Lunan Burns runs along the

southern end of the site with the Loch of Butterstone and woodland. A 132kV overhead electricity line runs through the centre of the site in a north west to south east orientation.

- 2 The site lies immediately east of the River Tay (Dunkeld) National Scenic Area (NSA) while the north and north western boundaries are adjacent to the Forest of Clunie Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). Various sections of the access are adjacent to Loch of Butterstone, Craiglush and Lowes SSSI and Dunkeld- Blairgowrie Lochs Special Area of Conservation (SAC) and Cardney Wood SSSI.
- 3 The proposal involves the erection of seventeen (17) turbines between 290m and 351m AOD. The turbines would be on hubs of 80m with 90m diameter rotors giving a maximum blade tip height of 125m, each turbine would have a crane hardstanding adjacent to the turbine base and an external transformer.
- 4 Access to the site will be gained by exiting the A9 at Rotmell and onto the C502 before joining up with the A923 north of Dunkeld. An amended vehicular access at Old Laighwood on the A923 also forms part of the proposal. Eleven areas along the public roads have been identified by the applicant as having constraints for abnormal loads and will require enabling works to allow delivery of the proposed turbines.
- 5 To accommodate windfarm traffic 11.4km of permanent access will be created to facilitate the windfarm development. Approximately 2km of the track will involve upgrading of existing agricultural tracks. It is proposed that some material from within the site will be used for the construction of access tracks and hardstandings and five potential borrow pits have been identified within the site for whin material. Underground cables would connect the turbine to the electrical control building. The grid connection point for the scheme is not fully prescribed but is expected to be with the transmission line that runs through the site.
- 6 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 3.4 megawatts (MW). This would result in the development having a total potential generating capacity of up to 57.8MW.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 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.

- 8 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. The Environmental Statement supports the Section 36 application and is a key part of the submission.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

- 9 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

- 10 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 seventeen 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.
- 11 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 Government's Energy Consents Deployment Unit (ECDU).

Planning Statement

- 12 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.

Design and Access Statement

- 13 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

- 14 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

- 15 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

- 16 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.

- 17 Of relevance to this application are,

- 18 A successful Sustainable Place

- Paragraphs 74 – 83 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business & Employment
- Paragraphs 135 – 151 Valuing the Historic Environment

- 19 A Low Carbon Place

- Paragraphs 152 - 174 Delivering Heat & Electricity
- Paragraphs 175 – 192 Planning for Zero Waste

- 20 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

- 21 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

- 22 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 23 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.
- 24 In relation to any assessment of cumulative impacts it is advised that:
- 25 *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.*
- 26 *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

- 27 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

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

Policy 2: Shaping Better Quality Places

- 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 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 adaption.

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

- 50 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

- 51 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

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

Policy EP8 - Noise Pollution

- 53 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

- 54 This Supplementary Planning Guidance was approved by Perth & Kinross Council on 18th May 2005.
- 55 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.
- 56 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

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

Tayside Landscape Character Assessment (TLCA) 1999

- 58 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.
- 59 For clarification the site is located within the Highland Summits and Plateaux Landscape Character Type (LCT) 3 and Highland Foothills LCT 5.

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

- 60 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.
- 61 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.

- 62 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.
- 63 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.
- 64 The site lies within the transition of the Transitional Moorland with Forest Landscape Type 3C (vi) and the Highland Foothills Landscape Type (5i).

Perth and Kinross Local Landscape Areas Supplementary Guidance June 2015

- 65 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.
- 66 For clarification the application site is within the Local Landscape Unit 40 – Clunie Foothills and 44 – Forest of Clunie but it is not within or close to any designated Special Landscape Areas (SLA).

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

- 67 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.
- 68 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.
- 69 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 fewer in these economies in 2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.

- 70 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.
- 71 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.
- 72 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)

- 73 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

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

SITE HISTORY

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

Section 36 Applications

- 76 Calliachar Wind Farm - In February 2004 I & H Brown (Calliachar) Ltd submitted an application to the Scottish Ministers seeking consent under s36 of the Electricity Act 1989, and deemed consent under s37(2) of the Town & Country Planning Scotland Act 1997 for the installation of 46 wind turbines. Following the statutory consultation process, the applicant amended the scheme in the light of all the responses submitted to the Scottish Ministers by reducing it from a 46 turbines proposal to a 27 turbines proposal (hub height 60 metres, blade tip of 100 metres), with a revised installed capacity of 62.1 megawatts. The layout for the 27 turbine scheme consisted of a single group, generally narrowing from four turbines across the north-western end of the site, to a line of single turbines at its south-eastern end. All the turbines would be located to the east of the existing overhead power line.
- 77 The recommendation of the PLI reporter to the Scottish Minister was to refuse the Calliacher 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.
- 78 The PLI reporter concluded that the only possible means to mitigate the significant visual impact of these turbines would be through their removal. If that application had been a planning application, this could have been secured through a suitable condition. However by imposing this restriction on this proposal, it reduced the development below the 50MW threshold for which consent by the Scottish Ministers under s36 of the Electricity Act 1989 can legitimately be granted. Accordingly, the Scottish Ministers resolved to refuse the application for 27 turbines in its entirety.
- 79 Griffin Wind Farm - In April 2004, in addition to the Calliachar proposal, another application was submitted to the then Scottish Executive by GreenPower (Griffin) Ltd seeking the Scottish Ministers' consent under s36 of the Electricity Act 1989 and deemed consent under s37 (2) of the Town & Country Planning (Scotland) Act 1997 for the installation of 82 wind turbines. After the statutory consultation process, the Griffin scheme was reduced, this time from 82 turbines to 68 turbines (hub height of 77 metres, with a total height to blade tip of 124 metres).
- 80 In December 2005, following receipt of the Perth & Kinross Council's objection to both applications, the Scottish Ministers confirmed that both the Calliachar and Griffin proposals would be the subject of a conjoined Public Local Inquiry. In sending the application to the Inquiry Reporters Unit, it was stated on behalf of the Scottish Ministers that the cumulative impact of the Griffin and Calliachar wind

farms should be assessed together, hence the conjoined nature of the consequent inquiry.

- 81 The Scottish Ministers approved the Griffin development under s36 of the Electricity Act 1989, and deemed consent under s37 (2) of the Town & Country Planning Scotland Act 1997 in January 2008. The Griffin Forest wind farm is now operational.
- 82 Crossburns Wind Farm - Application submitted to the Scottish Governments Energy Consents and Deployment Unit for 25 x 110m turbines near Aberfeldy and is currently under consideration.
- 83 Macritch Wind Farm - Application submitted to the Scottish Governments Energy Consents and Deployment Unit for 18 x 125m turbines in Angus and is currently under consideration.

Planning Applications

- 84 Drumderg Wind Farm (PKC Reference 03/01917/FUL) - Application for 16 x 107m turbines was refused by Development Control Committee in January 2005. Following an appeal the application was approved by the Directorate for Planning and Environmental Appeals (DPEA). This scheme is now fully operational.
- 85 Calliachar Wind Farm (PKC Reference - 07/02617/FUL) - 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.
- 86 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.
- 87 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.
- 88 Calliachar Wind Farm (PKC Reference - 11/01060/FLM – Variation of previous consent 07/02617/FUL) - 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.
- 89 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 are now complete and the site is operational.

- 90 Welton of Creuchies Wind Farm (PKC Reference 10/00876/FLL) - Application for 4 x 99m turbines was refused under delegated powers in March 2011. Decision was appealed to the Local Review Body and was subsequently approved in July 2012. Development has not commenced.
- 91 Tullymurdoch Wind Farm (PKC Reference 12/01423/FLL) - Application for 7 x 120m turbines was appealed to the Directorate for Planning and Environmental Appeals under the grounds of non-determination. Following a hearing into both Tullymurdoch and Bamff wind farm proposals the Reporter granted approval for the Tullymurdoch scheme in September 2014.
- 92 Corb Wind Turbine (PKC Reference 12/01934/FLL) - Application for single wind turbine 84m in height was refused under delegated powers in May 2013. Decision was appealed to the Local Review Body and was subsequently approved in March 2014. Development has not commenced.
- 93 North Calliachar (PKC Reference 13/00653/FLM) - Application for the erection of seven turbines in an irregular layout to the North of the operational Calliacher 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.
- 94 Creag A' Bhaird (PKC Reference 13/02362/FLM) - 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 was dismissed in September 2015.
- 95 Saddle Hill Wind Farm (PKC Reference 14/01993/FLM) - Application for 14 x 115m turbines (6 in Perth and Kinross) on boundary with Angus Council. Application is currently under consideration by both Perth and Kinross Council and Angus Council.

CONSULTATIONS

External

- 96 **Scottish Environmental Protection Agency:** SEPA initially objected to the proposal unless conditional control is secured relating to development on peat, protection of Lunan Lochs, private water supply as well as wetland ecology including groundwater dependent terrestrial ecosystems (GWDTEs).

- 97 Following submission of Further Environmental Information (FEI) SEPA has withdrawn most of their objections but continue to maintain their objection in respect of groundwater dependent terrestrial ecosystems (GWDTEs) unless the location of Turbines 10, 14, 16 and 17 is modified either through micro-siting or conditional control. Conditional control is also recommended for decommissioning and the production of a Construction Environment Management Plan (CEMP).
- 98 **Scottish Natural Heritage:** Objects to the application because a wind farm and associated ancillary works at this location would result in significant adverse impacts on a range of nationally and internationally important natural heritage features. They disagree with the key findings of the ES that it has consistently under estimated both the baseline and significance of key effects.
- 99 SNH says it would have a significant adverse impact on the special qualities and the overall integrity of the River Tay (Dunkeld) National Scenic Area (NSA) and on views of the proposed development from key viewpoints including Birnam Hill. SNH advise that these impacts cannot be mitigated through siting or design and therefore object in principle to the proposal.
- 100 SNH also advise there would be significant adverse landscape and visual impacts on the Highland Boundary Fault (HBF) as it is an area important for its transition between the Lowlands and Highlands of Scotland.
- 101 SNH also objected to the potential pollution impacts on Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC) and the component Site of Special Scientific Interest (SSSI). SNH will reassess their position in the light of detailed information to be provided by the applicant, and may withdraw or sustain their objection either in principle or subject to conditions. Any mitigation work to avoid adverse effects would need to be planned and implemented to a very exacting standard.
- 102 SNH object to the potential impacts on the River Tay Special Area of Conservation (SAC) and Lochs Clunie and Marlee Site of Special Scientific Interest (SSSI) unless conditional control can help mitigate the impact
- 103 Whilst the proposal is adjacent to the Forest of Clunie SPA and SSSI, SNH consider that the special interests will not be adversely affected by the proposal. In addition to the qualifying interests of the SPA, the notified features of the SSSI include breeding black grouse and the assemblage of breeding birds. SNH do not consider impacts on these features would be of sufficient scale to damage these features across the site.
- 104 Further Environmental Information - Following submission of FEI, SNH maintains its objection to the proposed development with respect to the River Tay (Dunkeld) National Scenic Area. The information provided in the addendum to the ES and additional visualisations re-affirm to SNH that the wind farm would have significant adverse effects on the special qualities of the NSA such that the objectives of the designation and the overall integrity of the area would be compromised.

- 105 However, SNH's initial objection to the impact of the proposal on Dunkeld–Blairgowrie Lochs Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI); River Tay SAC and Loch Clunie and Marlee SSSI; Lochs Butterstone, Craiglush and Lowes SSSI and Forest of Clunie Special Protection Area (SPA) and SSSI have been withdrawn provided recommended significant conditional control is applied to any consent.
- 106 **Historic Scotland:** Confirm that the development does not raise issues of national significance to warrant an objection associated with their historic environment interests.
- 107 There are a number of heritage assets within their remit in the vicinity of the proposed development.
- Murthly Castle Gardens and Designed Landscape (GDL)
 - Scheduled Monument 5396 Middleton Muir, settlements, field systems, cairns and deer dyke
 - Scheduled Monument 5508 Clunie Castle and SM 1638 Clunie, Castle Hill and The Ward, motte, castle and settlement
- 108 As stated above they do not consider the impact on any of these heritage assets to be of a significance that would raise issues of national importance such that they would object.
- 109 Further Environmental Information - No objection is offered as it will not impact on any of the heritage assets within their remit.
- 110 **Transport Scotland:** No objection is offered subject to conditional control being applied to minimise adverse impacts on the trunk road network and for road users.
- 111 Further Environmental Information - Transport Scotland note that the addendum information does not result in any material or negative changes to the potential impact on the Trunk Road network.
- 112 **Royal Society for the Protection of Birds (RSPB):** Provided one consultee response to the ES and FEI. No objection to the proposal provided that the following measures are secured through conditional control and/or legal agreement:
- Mitigation and habitat management to benefit species including hen harrier, short eared owl, black grouse and curlew.
 - A programme of pre, during and post-construction monitoring.
 - Construction timing to avoid breeding bird impacts.
 - Measures to prevent any adverse impacts on slender naiad and the Dunkeld-Blairgowrie lochs Special Area of Conservation (SAC).
 - A suitably qualified Ecological Clerk of Works (ECoW) to oversee mitigation and delivery of habitat management.

- T1, T2 and T3 turbines are moved so that they are at least 500m from the boundary of the SPA.
- 113 **Forestry Commission Scotland (FCS):** Have no comments to add, as long as any replacement planting is undertaken as per the Addendum to the Environmental Statement on a like for like basis.
- 114 **Scottish Water:** Requested that potential impacts on the Drinking Water Protected Area (DWPA) is assessed as part of the EIA. Depending on the findings Scottish Water may also request to be consulted on the submission of a CEMP should consent be granted.
- 115 Further Environmental Information - The potential impact of the wind farm on the River Tay public Drinking Water Protected Area is likely to be minimal due to the distance of the site from the abstraction point. In addition, the pollution control mitigation measures proposed should be sufficient to protect water quality at the abstraction point. Scottish Water is therefore satisfied that their original concerns have been addressed.
- 116 **VisitScotland:** No objection but recommends the proposal is carefully assessed for its impact on tourism, whether visually, environmentally or economically.
- 117 They urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.
- 118 **Marine Scotland:** The ES needs to outline the level of water quality monitoring and ecological protection needs to be submitted and assessed.
- 119 Further Environmental Information - The addendum states that further details regarding water quality monitoring are provided in the report. However Marine Scotland expected full details to include design strategy, sampling sites (including those monitoring potential impacts from the A923 road improvement), control sites (sites out with potential impacts from the development), parameters to be measured, methodology, data analysis and an action plan outlining what action will be taken should an incident occur.
- 120 Sampling points on the Droughty Burn and Lunan Burn are described in the addendum but no sample sites are proposed within the Benachally Burn. The latter which flows into the River Ericht, where salmon populations are recorded, could potentially be impacted by construction activities. Marine Scotland suggests site characterisation surveys of water quality (including turbidity and stage data) to be conducted at least 12 months prior to construction commencing and to continue during construction and for at least 12 months after construction. A minimum frequency of monthly sampling is further recommended. Macroinvertebrate sampling during and after construction is an additional sampling tool for water quality.

- 121 A fish monitoring plan is proposed in the ES, however no details of this plan are provided in this addendum.
- 122 **Scottish Rights of Way (ScotWays):** Objection to the proposal and in particular the direct impacts on the recorded right of way network.
- 123 Further Environmental Information - ScotWays now withdrawn the on-site part of their objection to the application. However they maintain their objection about wider visual impacts on recreational amenity. The recreational use of paths and tracks in the Dunkeld area is well-valued by tourists, day visitors and local residents alike. They consider that siting a wind farm so close to the National Scenic Area would be undesirable. To the east they consider there will be impacts on well-used rights of way above Blairgowrie, followed in part by the *Cateran Trail*, which appear to have been given insufficient attention.
- 124 **National Air Traffic Safety (NATS):** No safeguarding objection to the application.
- 125 **Mountaineering Council of Scotland (MCoS):** concerned that the proposed wind farm would have significant landscape and intrusive visual impact in an area of significant importance to hillwalking, other recreational and tourism interests in southern Perthshire. The proposed development does not meet their normal criteria for a formal objection because of its distance from primary mountaineering assets.
- 126 They consider that the visual impact of the turbines shown in several photomontages is understated and reduces the true visibility of turbines at the distances involved (e.g. Viewpoint 6).
- 127 The proposed development would have an extensive visual impact, detrimental to the gentle landscape of the Highland Boundary in this part of southern Perthshire. It would impact on several local recreational and sporting assets. The nearest significant mountaineering asset affected would be Ben Vrackie, at nearly 20km distance. The development would be visible from here back-dropped by darker vegetation and the turbines thus more prominent than might otherwise be the case at this distance.
- 128 In terms of impact on tourism the MCoS consider the evidence cited on tourism in the ES is dated. They consider that this is unfortunate given the importance of general tourism to this area of southern Perthshire. Recent analysis - available in the public domain shows a rising trend of discouragement of general tourists by wind farms. In addition, there is strong evidence of discouragement of mountaineers (hill walkers and climbers) from areas with wind farms, as evidenced by MCoS research undertaken in 2014. They strongly recommend that ECDU require the developer to consider such recent evidence prior to any consideration of the application.
- 129 Further Environmental Information - The addendum does not reduce MCoS's concern that the landscape and visual impacts, and consequential recreation and tourism effects, of the proposed wind farm would be significantly detrimental.

- 130 **British Telecom:** No objection as it should not cause interference to BT's current and presently planned radio networks.
- 131 **Joint Radio Company:** No objection and does not foresee any potential problems based on known interference scenarios based on the data provided.
- 132 **Civil Aviation Authority:** No objection and owing to the proposed height (maximum tip height 125m) 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.
- 133 **Ministry of Defence (MOD):** 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.
- 134 **Office of Nuclear Regulation:** No objection
- 135 **Health and Safety Executive:** No objection
- 136 **Crown Estate:** No assets of the Crown Estate are directly affected by the proposal.
- 137 **CH2M Hill:** Confirmed that peat instability issues are unlikely to be present on site
- 138 **Scottish Wildlife Trust:** Has a number of concerns relating to ornithological interests especially Ospreys, Hen Harriers, Black grouse and Short Eared Owls. They are also concerned about the impact of run-off on the Lochs of Butterstone, Craiglush and Lowes SSSI and adverse impact on visitors to the nearby Loch of the Lowes Nature Reserve.
- 139 **Further Environmental Information** - Whilst some of their issues are resolved they maintain their objection to the proposal.
- 140 **British Horse Society:** Request that the developers cater for horse riders and adhere to all their requests in their advisory statement regarding equestrian safety in the planning, placing and construction of the turbines. New access tracks will be welcomed by local riders and any surfaces put down on new or amended access tracks are horse friendly.
- 141 **Association of Salmon Fishery Board:** Unable to provide the appropriate local knowledge, or the technical expertise to respond to the proposal. The proposed development falls within the Tay District Salmon Fishery Board. It is important that the proposals are conducted in full consultation with this organisation.

- 142 **Lunan Valley Protection Group:** Object to the proposal due to significant and adverse landscape and visual effects on receptors in the area including local residents, the nearby NSA, SAC's, SSSI's and the Highland Boundary Fault
- 143 **Blairgowrie and Rattray Community Council:** Objects to the application, primarily on the grounds that it will adversely impact on the National Scenic Area and the Highland Boundary Fault. They also object to the potential ecological impacts in particular the Loch of the Lowes SSSI and SPA.
- 144 The Community Council also consider that the development will require major modifications to the access routes which will be disruptive to birds in the area. Overall the site fails to comply with current planning policy.
- 145 **East Strathearn Community Council:** Object to the proposal as it will have a significant adverse impact on the surrounding landscape especially the hills along the Highland Boundary Fault (HBF).
- 146 They object to the cumulative impact of the proposal as it will have an adverse impact on the landscape character when considered with other windfarm developments in the area including Drumderg, Tullymurdoch, Bamff and Bandirran.
- 147 They are concerned about road safety and the ability of the access road to accommodate the required heavy goods vehicles (hgv's). They also highlight concern with the impact on bio-diversity in the area and adverse impact on Ospreys at Loch of the Lowes and adverse impact on private water supplies.
- 148 The Community Council also consider that the development fails to comply with planning policy.
- 149 **Dunkeld and Birnam Community Council:** Object to the application on landscape and visual impact as well as cumulative landscape and visual impact especially from Colon and Deuchary Hills which are popular with hillwalker and cyclists. The proposed turbines will be visible along the Perthshire tourist routes of the A822 and A923 and also from iconic views from Schiehallion and Birnam Hill as well as the settlements of Butterstone, Forneth and Clunie.
- 150 They raise concern regarding noise levels and consider there are no real social-economic gains from this development in terms of long term employment. They also highlight concern with the impact on bio-diversity especially pollution of burns and lochs in the area and adverse impact on Ospreys and Hen Harriers. Concern is also expressed in relation to transport and access arrangements.
- 151 The Community Council also consider that the development fails to comply with planning policy.
- 152 Further Environmental Information - The Community Council maintain their objection to the proposal due to significant impact on the landscape.

- 153 **Luncarty and Redgorton Community Council:** Object to the application because it will have significant adverse landscape and cumulative visual impact on an area of outstanding scenic beauty which could in turn negatively impact on the recreational and tourism desirability of the Lunan Valley in particular.
- 154 **Spittalfield and District Community Council:** Object to the application because it will have significant adverse landscape and cumulative visual impact. There are already 102 approved turbines in the area with another 161 proposed. They also have concerns about the impact the proposal will have on Lunan Valley environment, the areas road network and tourism economy.
- 155 **Stanley and Kinclaven District Community Council:** Object to the proposal given the potential impact of the proposed turbines on the landscape, ecology, economy (including tourism), road network and resident' lively-hoods and amenity.
- 156 It is considered contrary to Scottish Planning Policy and LDP Policies ER1A, ER6, NE1 PM1 and EP6 as well as PKC Supplementary Planning Guidance for Wind Energy Proposals.
- 157 **John Muir Trust:** Object to the application as it would significantly add to the visual impact on the surrounding landscape including the Tay NSA which is within 2km of the site. The cumulative effect of this development has not been addressed and when added to the existing windfarms would have a very strong negative visual impact on the surrounding landscape. This is an impact which is not addressed adequately within the Environmental Statement.
- 158 Further Environmental Information - They maintain their objection to the proposal.

Internal

- 159 **Community Greenspace including Access:** 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.
- 160 **Flooding Section:** No objection to the application.
- 161 **Bio-Diversity Officer:** Raised concerns about the level of information within the ES and the presumption that the only area affected will be the area where the turbines are to be located. The breeding bird and protected species surveys have ignored the remainder of the area outwith the turbine area. Construction traffic especially along the access track is likely to have a particular impact on ground nesting birds. It is essential that preconstruction breeding bird surveys be undertaken to identify potential disturbance of breeding birds and mitigation be provided.
- 162 The protected species identified as at risk from the development are Red Squirrels and Bats, which forage in the area of the turbines. The low numbers of

bats represents a low risk, however all trees should be checked prior to felling for Red Squirrel dreys and possible bat roosts as detailed in Appendix 8.4 of the ES.

- 163 Some of the access works involves the relocation of gully pots, it is proposed to use wildlife kerbs in association with the gully pots to reduce the risk of small mammals and amphibians falling into the gully pots and this is to be commended.
- 164 The site is adjoining to the Forest of Clunie SSSI and Special Protection Area, and is designated as an important area for birds, particularly raptors. Along the access route a number of areas of ancient woodland and semi-natural woodland will be affected by accommodation works to widen the route
- 165 Within the site there are areas of protected habitats, particularly Dry Heath and Wet Heath and Myre which are designated under Annex 1 of the Habitats Directive. Access tracks, Turbines and other Infrastructure will destroy some areas of both of these sensitive habitats. The areas of wet heath and myre are recognised as Ground Water Dependent Terrestrial Ecosystems (GWDTE) and any work within these areas will have a negative impact. The ES estimates a loss of 4.13ha of Dry Heath and a loss of 2.31ha GWDTE, but will also potentially cause disruption of water flow to 110ha of wet heath and grassland. The turbine locations most likely to have a permanently negative impact on GWDTE are turbines 7, 14, 15 and 17 due to the excavations and other groundwork required. Mitigation is recommended which would need to be approved and enforced if this fragile habitat is to be protected.
- 166 **Environmental Health (including Dick Bowdler Acoustic Consultant):**
Background noise levels have been measured and processed in accordance with good practice and turbine noise levels at surrounding properties are correctly calculated.
- 167 The chosen day time noise limit of 40dB is the highest permitted and this is not considered to be appropriate in such a rural area. The lower limit should be 38dB.
- 168 An explanation is required as to why the occupier of Craigend is financially involved. If Craigend is financially involved then the properties at South Craigend and Ranager exceed the noise limits by 1dB at some wind speeds.
- 169 There will be a major loss of amenity at Craigend and South Craigend during the day and also at Ranager, Wester Logie Cottage and Grimmstane Cottage at night. There will be a significant loss of amenity at all other properties inside the 35dB contour at some times.
- 170 Further information should be provided in the noise assessment of the ES:
 - A table of background noise levels.
 - Calibration sheets for the sound level meters.
- 171 Overall, provided that Craigend is financially involved the noise limits are only exceeded by 1dB and therefore it might be feasible to control levels to these limits

by condition, though there would still be a major loss of amenity at Craigend and South Craigend and a significant loss at some other properties.

- 172 **Perth and Kinross Heritage Trust:** Considers the Cultural Heritage and Archaeology Chapter of the Environmental Statement to be acceptable. Five heritage assets have been identified which will be directly impacted by construction activities. These include two groups of prehistoric clearance cairns, a possible cup-marked stone, an earthen bank and a possible building of unknown date. Construction activities may also impact on currently unknown archaeological remains. The mitigation measures outlined in section 13.7 of the ES are considered acceptable and conditional control is recommended.
- 173 **Transport Planning:** Raised concerns about the potential levels of material to be transported into the site on the existing road network. There are areas along the C502 and A923 which will require widening and improvement to alleviate safety and congestion concerns. Consider the traffic management plan to be fairly vague and should be improved.

Representations

174 The application has attracted 289 representations against the proposal and 159 in support of the proposal.

175 The objections raise the following issues:

- Adverse landscape and visual impact
- Adverse cumulative impact
- Contrary to Development Plan Policy and Supplementary Guidance
- Adverse impact on National Scenic Areas (NSA) and Sites of Special Scientific Interest (SSSI)
- Overdevelopment of turbines (density and height)
- 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
- 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

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

ADDITIONAL STATEMENTS

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| 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. |
| Assessment of Landscape and Visual Impact | Undertaken and is appendix to committee report. |

APPRAISAL

- 178 It is acknowledged that Planning Policy provides support for appropriately sited and designed wind farm development. In 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.
- 179 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.
- 180 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.

- 181 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.
- 182 Policy ER1A 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.
- 183 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 proposals energy contribution. These factors are considered in the assessment that follows.

Landscape and Visual Impact

- 184 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 and FEI. 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.
- 185 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

- 186 Photography and visualisations have been prepared in accordance with SNH's 2006 visualisation guidance document '*Visual Representation of Windfarms Good Practice Guidance*'. This Guidance was updated in July 2014 around the time that the ES was submitted to the Energy Consents and Deployment Unit (ECDU). This updated guidance was not available during preparation of the ES but is referred to in the ES Addendum submitted with the FEI in March 2015.

- 187 The updated 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. There are concerns that the illustrations prepared using the previous 2006 guidance would be likely to consistently under-represent perceived scale in relation to the human eye.
- 188 Photography and visualisations have also been prepared in accordance with Landscape Institute Advice Note 01/11, however it is noted that this is currently being re-written to bring it up to date with best practice. There is no reference to the PKC '*Guidance for the preparation and submission of photographs and photomontages to illustrate the impacts of wind energy development*' and it would appear that many of the requirements of that Guidance Note have not been met by the applicant.
- 189 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.
- 190 Landscape and visual receptors are identified within the 35km study area and ZTV; the visual baseline is 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 and magnitude of effect as a result of the development.
- 191 The LVIA adopts criteria for assessing the magnitude of change to the landscape fabric and landscape character, and the magnitude of visual change, on a five-point scale of high, medium, low, negligible or none. It is noted that a 'high' magnitude of change is only attributable to irreversible development – thus in the assessment of the magnitude of landscape and visual change as a result of the wind farm (a reversible development) the highest level of change possible on the five-point scale is 'medium'. According to the significance matrix, a medium change on a receptor of medium sensitivity would not result in a significant effect; the magnitude of change would have to be between medium and high to result in a significant effect on a receptor of medium sensitivity. In ruling out the possibility of a 'high' magnitude of change (from an irreversible development) it is likely that the significance of landscape and visual effects have been underplayed and limited from the start of the assessment.
- 192 It is considered that the assessment of effect on landscape character is unnecessarily complicated by the further consideration of the 'presence' of the proposed development in 360 degree views on a scale of weak, moderate or strong, referring to its likely prominence in views. This suggests a confused approach to the assessment of landscape and visual effects which should be considered separately and it is not clear how this aspect has been considered in the assessment.

- 193 The assessment adopts SNH guidance for classifying the prominence of the wind farm in views according to four distance ranges; close (less than 2km), medium (2km – 5km), medium to long (5km – 15km) and long (more than 15km). This is based on out of date guidance from 2002 with reference to turbine height common at that time but considerably smaller than is now commonplace. Whilst the ES acknowledges this and that the guidance is used as an aid to the assessment, its use is questioned since the appearance of a turbine can be more affected by factors other than distance, such as wind direction (where blades facing the viewer will be more conspicuous than blades at right angles), and how the sun catches the blades (where blades with a dark background can be more conspicuous than blades that ‘skyline’), for example, over the same distance. It is unclear how this aspect has been considered in the assessment.
- 194 In establishing significance, the methodology refers to ‘magnitude of effect’, ‘magnitude of change’, ‘nature of effect’ and ‘level of effect’ which is confusing. In accordance with GLVIA3, factors that underlie the nature of effect (i.e. size/scale of effect, duration and reversibility of effect) should be combined to enable a judgement on the overall magnitude of landscape and visual effects. These in turn are combined with judgements on the sensitivity of landscape and visual receptors to arrive at an overall assessment of the significance of landscape and visual effects. A clear objective of GLVIA3 is for LVIA’s to be much clearer on the use of terminology.
- 195 A matrix is provided to illustrate the thresholds at which a landscape or visual effect is considered ‘significant’. An effect of ‘moderate’ level significance or lower is considered to be ‘not significant’, whereas an effect of more than ‘moderate’ would be ‘significant’. Being on the cusp of significance ‘moderate’ level effects have apparently been scrutinised in order to ensure that no potentially ‘significant’ effects are overlooked. In certain, exceptional circumstances, at the discretion of the assessor, a ‘moderate’ effect may be judged ‘significant’, which on the face of it appears to be an acceptable approach. However, moderate landscape effects are described as “*out of scale with the underlying character of an area or noticeably and irreversibly alter a landscape feature or valued aspect of landscape or character..*” and moderate visual effects as “*where the proposed changes to views would be out of scale with the existing view, or noticeably and irreversibly alter visual amenity..*” both of which would suggest that such level of effect is likely to be significant. Consequently it is considered that the approach adopted is likely to lead to the underestimation of likely significant effects.

Landscape Character

- 196 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.

- 197 Local Development Plan Policy ER1A (1) confirms the need to take account of landscape character with Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth 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.
- 198 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 SNH's 1999 landscape classification, it most importantly addresses landscape sensitivity to wind energy development

Highland Summits and Plateaux and Highland Foothills Landscape Character Types

- 199 The site lies at the transition of the *Highland Summits and Plateaux* and the *Highland Foothills* landscape types, where the highlands meet the lowlands along the Highland Boundary Fault. This landscape unit compromises 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 site is located within the latter.
- 200 The LVIA concludes that the landscape is of medium sensitivity to the scale of development proposed, taking into account the proximity to the Highland Boundary Fault and National Scenic Area. This compares with the 2010 DTA study allocating a 'low' sensitivity to the *Forest of Clunie* landscape unit within which the wind farm would lie, and 'medium' landscape sensitivity to the *Clunie Foothills* immediately to the south.
- 201 However, the DTA study emphasises that although there is some landscape capacity for the area to accommodate a small or medium wind farm the location is highly sensitive to views from iconic viewpoints including King's Seat and the Highland Boundary Fault landscape feature including its buffer.
- 202 The LVIA includes consideration of the value that can be attributed to the landscape in the vicinity of the site. In doing so it takes into account the River Tay (Dunkeld) NSA approximately 1.5km from the nearest turbine and the Cairngorms National Park around 15km to the north.
- 203 The LVIA does not establish the value of the landscape. It doesn't take into consideration the value of the Highland Boundary Fault as a landscape feature or the value attached to the landscape in views from tourist routes and other recreational activity where experience of the landscape is important. As part of the baseline description the relative value of potentially affected landscape should be

established, including the identification and description of landscape elements and aesthetic and perceptual aspects of the landscape, to inform later judgements about the significance of effects.

- 204 The LVIA indicates that there will be no significant adverse effects upon the fabric of the landscape within the site and its surroundings as a result of the development, including off-site enabling works. The off-site access enabling works will require substantial earthworks and the removal of many mature trees from a number of locations within the NSA, with long term significant effects on the landscape fabric and character of the NSA. The extent of works needed suggest that the local road network is unsuitable for the size of vehicle required to transport the turbines.
- 205 The LVIA predicts there would be significant effects on the landscape character of the *Highlands Summits and Plateaux* LCT within the ZTV within only 3km of the development site itself. The ZTV shows that there will theoretically be views of the turbines from the lowlands to the south beyond 20km from the wind farm. This review generally suggests that significant effects on landscape character will be relatively localised to within approximately 5km-6km but that within this distance the distinctive character of the transitional landscape from highland to lowland along the Highland Boundary Fault would be significantly affected.
- 206 The LVIA concludes that any adverse effects of the proposed wind farm on the special character and qualities of valued landscapes in the study area, limited to the River Tay (Dunkeld) NSA and the Cairngorms National Park would range from predominantly negligible to moderate/minor level at most which would be 'not significant' in the context of the EIA.
- 207 The Councils Landscape Consultant is of the opinion that from a number of viewpoints within a distance of 15-20km the Dulater Hill Wind Farm would be a prominent feature on the highly sensitive Highland Boundary Fault, with a significant adverse effect.
- 208 Within this distance movement of the turbine blades would be noticeable (Drumderg turbines can be clearly seen moving at a distance of approximately 17km at Burrelton on the A94). There is a difference in the actual line of the Highland Boundary Fault, with the line shown in the 2010 DTA study being further north in the vicinity of Dulater Hill than the alignment used in the ES and Addendum, such that Dulater Hill turbines would lie within the 2km buffer zone to the north of the HBF shown in the DTA study.

Highland Boundary Fault

- 209 SNH advise there would be significant adverse landscape and visual impacts on an area important for its transition between the Lowlands and Highlands of Scotland.

- 210 In a wide range of views from the south the wind farm would be seen to sit on this line of hills that mark the edge of the Scottish Highlands, the turbines would be seen on the ‘shoulder’ of the mountain massif of the Mounth Highlands. The line of hills that mark the Lowland /Highland boundary is a dramatic and pronounced landscape feature that contributes to the distinctiveness of Scotland’s landscapes because it marks a clear physical expression between the lowland landscapes to the south and the upland landscapes of the Scottish Highlands to the north. It is important because: it is prominent as a distinct skyline; it is an important backdrop to views from the south; it has cultural significance; it marks a change in topography, weather, vegetation, wildlife and land use; and is characterised by an increasing sense of wildness, remoteness, tranquillity and dominance of nature. The importance of longer distance views across the Lowlands towards the Highland edge has been highlighted in the past by SNH for Abercairney, Logiealmond, Mull Hill and Nathro wind farms and in Reporters’ Appeal Decision Notices for Abercairney, Logiealmond and Mull Hill.
- 211 The Dulater proposal is not considered to be in keeping with SNH’s guidance which states *‘It is important that the scale and extent of a wind farm do not seem to overwhelm the distinctive character and scale of a landform, especially prominent landforms’* and that a wind farm should be *‘of minor vertical scale in relation to the key features of the landscape (typically less than one third)’*.
- 212 SNH consider that the submitted visualisations show that the large-scale turbines would dominate the Highland edge and other key landscape features such as Benachally Hill and more distant Mount Blair, and make them appear smaller and less prominent than they actually are.
- 213 SNH also consider that the design of Dulater wind farm would be likely to result in visual confusion when seen in wider views from the Lowlands because it does not have a clear, consistent and simple image. The submitted visualisations show that the direction of view affects the ‘image’ of the array which range from: an extended array of evenly spaced turbines (e.g. ViewPoint 15, A93 south of Cargill); three groups of overlapping turbines (e.g. ViewPoint 16, A94 east of Coupar Angus); and six separate groups of turbines (e.g. ViewPoint 18, A9 Luncarty, ViewPoint 22, Kinnoull Hill, ViewPoint 17 Bankfoot).
- 214 This inconsistency of image also conflicts with the compact, cohesive and recognisable array at Drumderg, and would further detract from views to the sensitive Highland edge as well as promoting a poor image of windfarm development. SNH’s guidance states that the objective is to *‘result in a similarity of design and wind farm image within an area that limits visual confusion and reinforces the appropriateness of each development for its location.’*

Special Landscape Areas

- 215 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 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.

- 216 The Landscape Supplementary Guidance 2015 identifies eleven Special Landscape Areas (SLAs) in Perth and Kinross. The proposed wind farm does not lie within any SLA.
- 217 Based on the above information I consider that Dulater Hill on its own and cumulatively would have a major and significant effect on the landscape character of sub unit 3C(vi) in the 2010 DTA Study and SNH’s 1999 Landscape Character Types of Highland Summits and Plateaux Landscape Character Type (LCT) 3 and Highland Foothills LCT 5. It will also have a significant adverse visual impact on the Highland Boundary Fault an important landscape distinction between the highland and lowlands of Scotland.
- 218 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

- 219 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

- 220 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, Loch Tummel NSA, Loch Rannoch and Glen Lyon NSA, River Tay (Dunkeld) NSA and Deeside and Lochnager NSA in The Cairngorms. Based on the ZTV with the ES the River Tay (Dunkeld) NSA is shown to experience the greatest level of visibility of the proposed turbines.

River Tay (Dunkeld) NSA

- 221 SNH object to the principle of the proposal and following the submission of Further Environmental Information (FEI), they have maintained their objection due to significant adverse impact on the special qualities of the River Tay (Dunkeld) NSA.

- 222 This relatively small NSA extends across 5 landscape character types (Lowland River Corridor, Lowland Hills, Lowland Highland Glen, Highland Foothills and Highland Summits and Plateaux). The juxtaposition of topography and intimate landscapes is important in this NSA and marks a complex transition from the Lowlands to the Highlands.
- 223 Within the NSA, Kings Seat/Birnam Hill (Viewpoint 14) is the most accessible and popular hill and is well known far beyond the local area. According to SNH the importance of outward views is highlighted in the Special Quality '*Iconic view from Kings Seat*'. SNH considers that this 'iconic view' is not confined to a fixed viewpoint at the top of the hill but is a wider quality that is experienced on ascent and descent of this hill as well as from the summit itself. The submitted viewpoint 14 shows the view from the summit, which only illustrates part of the experience. The open view from the rock outcrop two-thirds of the way up to the summit far better represents the landscape context of the Dulater proposal and its impact on the views experienced by visitors. This outcrop is a natural stopping point after the initial, very steep climb up from the station. Located at the western edge of the NSA, the rock outcrop looks out across the whole NSA to its north-eastern boundary at the edge of the mountain massif at Arlick Hill. In just 9km this view reflects important scenic components/special qualities of the NSA including the '*Picturesque cathedral town of Dunkeld*', '*exceptionally rich, varied and beautiful woodlands*' and '*Characterful rivers ...and kettle-hole lochs*' all coming together in this transitional landscape at the '*Gateway to the Highlands*'. The scenic beauty and high landscape value of the NSA is encapsulated in this view and is a prime expression of the Special Quality '*The beauty of cultural landscapes accompanying natural grandeur*'.
- 224 The nearest Dulater turbine would be less than 2km beyond the eastern boundary of the NSA. In views from Birnam Hill the proposal would be clearly seen on the 'shoulder' of the Highland Massif which itself is part of the landscape setting of the NSA. Blade movement would be noticeable and would draw the viewer's eye up to the skyline and away from intervening view of the complex and intimate landscape of the NSA. SNH consider that the Dulater proposal would upset the '*delicate balance that relies on a blend of both cultural beauty and majestic natural scenery*' and significantly detract from the viewers' appreciation and enjoyment of the scenic beauty and high landscape value of this sensitive transitional area at the Lowland /Highland boundary.
- 225 Due to the relatively small extent of this NSA, the introduction of large-scale turbines so close to its edge, would be likely to dominate views whenever they are visible from within it. This is illustrated in visualisations for Conlon Hill (VP 5) Dunkeld and Birnam Golf Club (VP 9) and Inver (VP 12). Furthermore Figure 14.5 in the Tourism and Recreation section of the ES, and ZTV Figure 7.9b show that turbines would also be visible from The Loch of Lowes Visitor Centre and from the loch itself - where they would significantly detract from visitors' enjoyment of the tranquil setting of this Wildlife Reserve, a key visitor attraction within the NSA.

- 226 Turbines would be intermittently visible from the A923 which winds through the NSA along the Lunan valley in the undulating foothills between Dunkeld and Blairgowrie. Known as the Page 8 of 23 Dulater Hill wind farm – SNH response (03 November 2014)
- 227 Following submission of additional visualisations in the FEI it re-affirmed SNH's view that the large-scale, uncharacteristic turbines would be likely to dominate views whenever they are visible from within the NSA.
- 228 SNH state that "*the landscape and visual impact assessment consistently underplays the impacts of the proposal. In particular, it fails to understand how the special qualities are appreciated and how they would be affected by the proposal. For example we agree that the individual components of the special qualities 'Picturesque cathedral town of Dunkeld', 'Exceptionally rich, varied and beautiful woodlands' and 'Characterful rivers ... and kettle holes' are not 'physically affected' by the proposal – i.e. the buildings, trees and water features etc. are not removed / changed. However, these special qualities are enjoyed and experienced singly and in combination in the context of their wider landscape setting as well as contributing to the overarching special quality 'Beauty of cultural landscapes accompanying natural grandeur'. The view across the eastern part of the NSA from the Rocky Outcrop in particular encapsulates these qualities as well as 'Gateway to the Highlands'.*
- 229 Whilst the application site is just beyond the boundary of the NSA, it is part of its wider landscape setting, especially given its close proximity. SNH considers that development pressure outwith an NSA can have significant adverse effects on the special qualities for which the landscape was designated and, consequently, the way that the NSA is enjoyed and experienced.
- 230 SNH state that '*In many areas, wind farm development is located outwith but close to these designations. In these circumstances the effects on the setting of the designated landscape are a key consideration*' and that '*It is important to consider the effects of wind farms located just outside areas identified for their scenic quality, as these have the potential to affect the setting, and potentially the integrity, of that designation*'.
- 231 Although the proposed turbines are not visible across the entire NSA, SNH consider that the occurrence of views of the proposed wind farm would be more frequent than 'occasional' as stated in the ES and Addendum. When visible the turbines would have a strong presence in the landscape and SNH disagree that they would often 'go unnoticed' as suggested in ES Addendum (paragraph 3.5.58).
- 232 SNH also consider that the worst case visual effects (for locations affording unrestricted visibility of the proposal) would be significant and adverse. These include the effects on views from Birnam Hill, Lunan Valley, the A822, A923 and minor roads. SNH consider that the significance of the impacts are underplayed in the ES Addendum, and that there is inappropriate use of the phrase 'sufficiently'

'remote' to down-grade the assessments when referring to the proposal in views from Birnam Hill Rocky Outcrop and Lunan valley (Addendum para 3.6.3).

- 233 As this is a relatively small NSA, and the proposed development is close to its boundary, there are various places where the impacts would be experienced from across its entire length. The view from the Birnam Hill rocky outcrop is an example of this. SNH advise that there would be significant impacts across the NSA despite the proposal being located on the opposite side of the boundary.
- 234 Regarding off-site access works along the Five Lochs Road (A923), SNH consider that the off-site access works have the potential to result in significant adverse cumulative impacts upon this route through the NSA.
- 235 The A923 is deeply rural within the NSA and is promoted as a scenic route. SNH consider it is underplayed in the ES as 'a typical A-class rural road'. The proposed turbines would be seen on the northern skyline and the rotating blades would draw the eye and significantly detract from road users' enjoyment and appreciation of the scenic beauty and high value landscape of the NSA. In addition and importantly the proposed upgrading (for turbine access) would require road straightening and removal of several mature trees and other key landscape features. This would result in an irreversible change to the character of the A923 - which in turn contributes to the landscape value of the NSA and people's enjoyment of it. To the north of Dunkeld semi-natural woodland and a post-medieval wall on the northern side of the road would be removed and the additional 'abnormal load running surface' would, in places, be twice the width of the existing carriageway. It would not be possible to restore the road to its existing long-established deeply rural character.
- 236 The turbines would be visible from the A822 Perthshire Tourist Route as it approaches Inver in the far west of the NSA. They would be seen on the skyline beyond the wooded valley of the River Tay and between the bare mountains to the north (Deuchary Hill, Conlon Hill and Benachally Hill) and the lower wooded and forested slopes of Newtyle Hill. The submitted Viewpoint 12, (A822 Inver) does not show the wider panoramic context of the viewpoint which includes, to the north, Craig a Barns. These crags above the Tay are an important component of the scenery of the NSA which, together with Craig Vinean comprise '*two imposing hills which guard this gateway to the Highlands*'. The proposed turbines would draw the eye to the low point on the skyline, become a new focal point and detract from the road users' enjoyment of the scenic beauty and high value landscape of the NSA.
- 237 Visibility of the Dulater proposal from the minor roads in the NSA – such as between Catchpenny and the A923 via the Loch of Lowes has not been specifically assessed, but the ZTV (and SNH's site visits) indicate that turbines would be intermittently seen on the skyline of the highland edge. Again the turbines would draw the eye away from the intimate landscape of the NSA and detract from the viewers' enjoyment of its scenic beauty and high value landscape.

238 I agree with SNH's assessment that the proposed Dulater Hill scheme would adversely impact the River Tay (Dunkeld) NSA and in light of this the scheme does not accord with Policy NE1B of the LDP.

National Parks

239 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.

240 The Cairngorms National Park is located to the north of the study area at approximately 20km to 35km. The Park Authority would appear to have 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.

241 The Loch Lomond and the Trossachs National Park is located outwith 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

242 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.

243 The Dulater Hill site is not located within wild land area as identified in Scottish Natural Heritage's 2014 wild land map. There are areas of wild land within the 35km study area but no visibility of the turbines is shown to occur. Neither SNH nor the Councils landscape Consultant have raised the impact on Wild Land as an issue for Dulater Hill.

Recreation

244 The impacts on some recreational receptors have already been discussed in the assessment of the NSA, National Parks and areas of wild land.

245 The LVIA assesses that there will be significant visual effects for recreational receptors at the following viewpoints:

- Viewpoint 4 (SM at Laird's House and users of PRoW);
- Viewpoint 5 (walkers on Conlan or Deuchary Hill), and
- Viewpoint 7(Cateran Trail at West Gormack.)

- 246 However the Councils Landscape Consultant identifies other significant visual effects are predicted at recreational locations such as Benachally Hill, core paths around Blairgowrie and Mountblair, Scottish hill tracks and other paths and trails within approximately 4km of the site. Significant cumulative effects are also predicted at Cochrage Muir and sequentially along approximately 2km of the Cateran Trail.
- 247 The Councils Landscape Consultant highlights that Viewpoint 9 (Dunkeld and Birnam Golf Course) that views from golfers and users of the Public Right of Way (PRoW) network around the golf course are at a distance of 6.8km from the proposed turbines and are likely to experience a medium magnitude of change to highly sensitive receptors resulting in a moderate/major significant impact. In addition the LVIA fails to mention that the Viewpoint 9 lies within the NSA;
- 248 It is considered that from Viewpoint 13 (Cateran Trail) that: the turbines would be relatively prominent in the middle distance from elevated highly sensitive views from the Cateran national trail at a distance of approximately 9.5km, with a medium magnitude of change resulting in a moderate/major significant effect;
- 249 As already discussed Viewpoint 14 (Kings Seat) which is a popular area for hill walkers, the view from the iconic King's Seat and the rocky outcrop half way up (FEI VP D) at a distance of approximately 9.5km is highly sensitive. Drumderg Wind Farm is already visible in the distance but Dulater Hill would be much more prominent being located at half the distance, resulting in a medium cumulative magnitude of change and a moderate/major significant effect. The LVIA also fails to mention that the view from King's Seat is a special quality of the River Tay (Dunkeld) NSA.
- 250 SNH also confirm that turbines would also be visible from The Loch of Lowes Visitor Centre and from the Loch itself and they would significantly detract from visitors' enjoyment of the tranquil setting of this Wildlife Reserve, a key visitor attraction within the NSA and Perthshire.

Roads/Railway

- 251 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 some passing visibility from the A9 and related railway line and mostly occurs within the River Tay (Dunkeld) NSA.

- 252 As discussed earlier SNH advise that the A923 is a deeply rural road within the NSA and is promoted as a scenic route. They consider that the ES it is underplays it as 'a typical A-class rural road'. The proposed turbines would be seen on the northern skyline and the rotating blades would draw the eye and significantly detract from road users' enjoyment and appreciation of the scenic beauty and high value landscape of the NSA.
- 253 The proposed upgrading (for turbine access) would require road straightening and removal of several mature trees and other key landscape features. This would result in an irreversible change to the character of the A923 - which contributes to the landscape value of the NSA and people's enjoyment of it. To the north of Dunkeld semi-natural woodland and a post-medieval wall on the northern side of the road would need to be removed and the additional 'abnormal load running surface' would, in places, be twice the width of the existing carriageway. It would not be possible to restore the road to its existing long-established deeply rural character.
- 254 The turbines will also be visible from the A822 Perthshire Tourist Route as it approaches Inver in the far west of the NSA. The turbines would be seen on the skyline beyond the wooded valley of the River Tay and between the bare mountains to the north (Deuchary Hill, Conlon Hill and Benachally Hill) and the lower wooded and forested slopes of Newtyle Hill. ViewPoint 12 (A822 Inver) does not show the wider panoramic context of the viewpoint which includes, to the north, Craig a Barns. According to SNH these crags above the Tay are an important component of the scenery of the NSA which, together with Craig Vinean comprise '*two imposing hills which guard this gateway to the Highlands*'. The proposed turbines would draw the eye to the low point on the skyline, become a new focal point and detract from the road users' enjoyment of the scenic beauty and high value landscape of the NSA.
- 255 Visibility of the Dulater proposal from the minor roads in the NSA – such as between Catchpenny and the A923 via the Loch of Lowes - has not been specifically assessed, but the ZTV indicates that turbines would be intermittently seen on the skyline of the highland edge. Again the turbines would draw the eye away from the intimate landscape of the NSA and detract from the viewers' enjoyment of its scenic beauty and high value landscape.

Residential Receptors

- 256 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

- 257 SNH comment that the proposal would adversely impact the '*picturesque cathedral town of Dunkeld*' as demonstrated in Viewpoints from Kings Seat and Dunkeld and Birnam Golf Club. The ES does not appear to assess the visual impact the proposal will have on Dunkeld and its conservation status. The Councils landscape consultant agrees with SNH's view that the wind farm will adversely affect the setting of Dunkeld, a town noted for its special quality in the NSA.

Residential Properties

- 258 The ES concludes that most of the properties (26 dwellings) within 2km will not result in an adverse impact on residential amenity or living conditions from the proposed development. The majority of dwellings are located on south facing slopes below Dulater Hill and as a result will not experience higher levels of visual change than those located further away.
- 259 There are 2 properties (Ranageig and Craigend Cottage) which the ES considers will experience a significant level of change but concludes that the proposed turbines would not make them unattractive places to live. No mitigation is proposed and the applicant appears to be reliant on current owners being supportive of wind farms. The Councils Landscape Consultant has indicated there are likely significant effects on views from the residential properties at Ranageig and Craigend Cottage. These two properties will also be impacted upon by shadow flicker and noise and these issues are assessed later in this report.
- 260 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 considered contrary to criterion (a) of LDP Policy ER1.

Cumulative Issues

- 261 The cumulative LVIA considers cumulative landscape effects and 'combined' and 'sequential' cumulative visual effects of the Dulater Hill proposed development with other wind energy proposals that at that time were either operational, consented, at appeal or in the planning/scoping stage.
- 262 To the west of Dulater Hill included
- Calliacher (Operational)
 - Calliacher North (approved at appeal)
 - Crossburns S36 (under consideration the Scottish Government)
 - Griffin (Operational)
 - Elrick
 - Creag a Bhaird (refused at appeal)

263 To the east of Dulater Hill included

- Drumderg (operational)
- Saddle Hill (under consideration)
- Tullymurdoch (approved at appeal)
- Bamff (refused at appeal)
- Welton of Creuchies (approved but not constructed)
- Corb (approved but not constructed)
- Macritch Hill S36 (under consideration by Scottish Government)

264 A series of ZTVs have been prepared illustrating theoretical visibility of Dulater Hill with individual and grouped cumulative schemes. Cumulative Wirelines are presented to illustrate cumulative visibility from a number of viewpoints.

265 The Councils Landscape Consultant agrees with the CLIVA which acknowledges that in the area of Cochrage Muir south of Bridge of Cally there would be a significant additional cumulative landscape and visual effect due to the combined successive and sequential visibility of Drumderg and the Alyth group of windfarms and the Dulater Hill proposal. The assessment also predicts sequential cumulative visual effects along parts of the Cateran Trail which the Councils Landscape Consultant agrees with.

266 The CLIVA considers that the cumulative assessment concludes that the addition of Dulater Hill to the existing cumulative baseline will create a landscape within which wind energy development is a significant characteristic, i.e. a '*landscape that contains a number of wind energy developments*' but not '*a wind energy landscape*' where such development is the dominant characteristic. The Councils Landscape Consultant on the whole agrees with this statement largely due to the distance between Dulater Hill and Drumderg and Alyth group of windfarms.

267 The cumulative effects of Dulater Hill with Drumderg will have an adverse impact on the setting of Dunkeld from ViewPoint 14 (King's Seat) and additional ViewPoint D (Birnam Hill) which in turn has a significant effect on the special quality of the NSA.

The Scheme's fit with the Spatial Framework and the Windfarm Design

268 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.

- 269 The adopted LDP confirms at ER1 that Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range of other renewable and low carbon energy generating developments.
- 270 This Supplementary Guidance is being progressed following the adoption of the LDP however to date there is currently a void. Accordingly, in its absence, it is appropriate to take account of existing material to assist with assessing the scheme's fit with the Spatial Framework. The SNH document on the siting and design of windfarms (2014) is particularly useful along with their guidance on Assessing the Cumulative Impact of Onshore Wind Energy Developments (2012). The Tayside Landscape Character Assessment, the 2004 Landscape Study prepared by David Tyldsley Associates and the Technical 2010 David Tyldsley Associates Landscape Study to inform Planning for Wind Energy is also of assistance.
- 271 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.
- 272 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.
- 273 The grouping of the existing operational windfarms at Griffin, Calliachar, Drumderg and recently consented schemes at Calliacher North, Tullymurdoch and Welton of Creuchies is a significant constraint in terms of fitting new wind energy developments into this area.
- 274 The layout and design of Dulater Hill wind farm is higher than the operational schemes at Drumderg, Griffin and Calliacher and recent approvals at Callaichar North, Tullymurdoch and Welton of Creuchies. On its own and cumulatively it is considered that it will add windfarm infrastructure in this locale. Taking this into account it is considered that the proposal fails to comply with Local Development Plan Policy PM1A or Scottish Natural Heritage's Siting and Designing Windfarms in the Landscape 2014.

The Historic Environment, Cultural Heritage

- 275 Historic Scotland confirmed there are several heritage assets covered by their remit located within the vicinity of the development. Those that lie within the ZTV are limited to scheduled monuments and inventory of gardens and designed landscapes (GDL).
- Murthly Castle GDL
 - SM 5396 Middleton Muir, settlements, field systems, cairns and deer dyke
 - SM 5508 Clunie Castle and SM 1638 Clunie, Castle Hill and The Ward, motte, castle and settlement
- 276 Murthly Castle - Historic Scotland are content that there will be no significant impact on the castle and its associated GDL. There may be isolated views of the turbines that include the castle but the impact of this will be mitigated by the intervening distance, and the fact that these views will not impact the strong north-north-west to south-south-east axis on which the designed landscape is aligned.
- 277 Middleton Muir, settlements, field systems, cairns and deer dyke - This monument is located approximately 1.5km east of the proposed turbines. It comprises an extensive relict landscape of Bronze Age hut circles, field systems, burial cairns and field-clearance cairns, as well as part of a Medieval deer enclosure known as 'Buzzart Dykes'. The setting of the Bronze Age landscape is largely encapsulated by the scheduled area – the relationship between each component of the monument is important, and thus the setting is relatively localised.
- 278 However, Historic Scotland consider that the proposed turbines will be highly prominent from most parts of the scheduled monument, and consider that they have a significant adverse impact upon the appreciation of the wider landscape setting of the monument. The scale of this change is considered significant – it is not gradual incremental industrialisation of an upland landscape, but rather it is wholesale and sudden, and consider that this constitutes a Medium Adverse impact in that a key characteristic of the asset's setting becomes considerably degraded.
- 279 Historic Scotland consider that the impact on setting has been underestimated, and is instead more likely to have an impact of Major or Moderate significance than Minor as stated in the ES. However, the monument and its setting will still remain capable of being understood and appreciated within its landscape, and as such Historic Scotland does not object.
- 280 Clunie Castle and SM 1638 Clunie, Castle Hill and The Ward, motte, castle and settlement - The monuments are located approximately 3.7km south east of the proposed turbines at the Loch of Clunie. Clunie Castle itself is situated on an island and thus has open views across towards the proposed turbines, although it is likely that topography and vegetation will afford some screening. The Castle Hill and Ward is situated on the shore of the loch and will have very similar views to those from the island. Along with an associated crannog, both scheduled

monuments represent a continuity of occupation on the site spanning several centuries.

- 281 The proposed turbines will be visible on the hill to the north of the Loch of Clunie when viewed from both monuments. Whilst the fundamental relationship between both monuments will remain capable of being understood and appreciated, the presence of the proposed turbines will degrade the quality of the largely unaltered upland landscape that forms part of the backdrop to both monuments. As such, Historic Scotland consider that the impact on the setting of Castle Hill has been underestimated, and is instead more likely to have an impact of Moderate significance rather than Low.
- 282 However, they do not consider any impact on this asset to be of national significance, and therefore do not object to the proposed development.
- 283 The proposed wind farm would not have a significant effect on listed buildings, or conservation areas 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.
- 284 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

- 285 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

- 286 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 Dunkeld-Blaigowrie Lochs Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the River Tay Special Area of Conservation (SAC).

- 287 Dunkeld–Blairgowrie Lochs Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) - Following submission of Further Environmental Information (FEI) SNH's concerns are confined to the SAC qualifying features of slender naiad, clear water lochs and very wet mire as the proposal is likely to have a significant effect on them
- 288 The main risk to the qualifying features relates to possible changes in water quality resulting from the proposed works to improve access and/or from possible erosion and sedimentation due to construction vehicles crossing the verge close to the shore of Loch of Craigush. The most susceptible areas would be where the road crosses the Lunan Burn and the section of the road that runs immediately adjacent to the northern loch shore.
- 289 Whilst SNH welcome the mitigation measures outlined in the FEI to address possible impacts to these features, they consider that additional measures will need to be implemented to ensure possible erosion or sedimentation is avoided.
- 290 Consequently, the Scottish Government is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. SNH advise if the proposal is undertaken strictly in accordance with their recommended mitigation, then the proposal will not adversely affect the integrity of the site and they would be able to withdraw this aspect of their objection.
- 291 River Tay Special Area of Conservation (SAC) Loch Clunie and Marlee Site of Special Scientific Interest (SSSI) - The proposed development lies within the catchment of Lochs Clunie and Marlee, part of the River Tay SAC, and a SSSI in their own right. The qualifying interests of the SAC are Atlantic Salmon, Otter, clearwater lochs and brook, River and Sea Lamprey.
- 292 SNH consider that there could be a likely significant effect to the Atlantic Salmon, clearwater lochs and brook, river and Sea Lamprey interests through the release of sediment and pollutants into the various watercourses that traverse the site and connect with the River Tay.
- 293 SNH advise that the Scottish Government is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. SNH advise if the proposal is undertaken strictly in accordance with their recommended mitigation, then the proposal will not adversely affect the integrity of the site and they would be able to withdraw this aspect of their objection.
- 294 SNH also advise that any consent must be subject to a detailed Construction Method Statement that describes the measures that would eliminate the risk of sediment and other pollutants being mobilised and entering the watercourses with connectivity to the SAC. It would be appropriate for these measures to be implemented through the Construction Environmental Management Plan (CEMP) referred to in the ES.

- 295 Following submission of Further Environmental Information SNH's advice remains unchanged with regard to the impact on the River Tay Special Area of Conservation and Lochs Clunie and Marlee Site of Special Scientific Interest. This proposal could be progressed with appropriate mitigation but because it could affect internationally important natural heritage interests, SNH object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in their consultation responses.
- 296 Otters are a qualifying interest of both SAC and SNH do not consider that there will be a likely significant effect on otters as a qualifying feature of the SACs as they will not be affected at a population level.

National Designations

- 297 SNH advised at EIA scoping stage that the proposal is likely have an impact on the following Sites of Special Scientific Interest (SSSI) and Special Protection Area (SPA)
- 298 Dunkeld–Blairgowrie Lochs SSSI - This proposal could be progressed with appropriate mitigation but because it could affect internationally important natural heritage interests, SNH object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in their consultation responses.
- 299 Loch Clunie and Marlee SSSI - This proposal could be progressed with appropriate mitigation but because it could affect internationally important natural heritage interests, SNH object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in their consultation responses
- 300 Lochs Butterstone, Craiglush and Lowes SSSI - SNH advise that the mitigation measures proposed in the FEI would enable this aspect of the development to proceed without disturbance to nesting Ospreys at Loch of the Lowes.
- 301 Forest of Clunie SPA and SSSI - SNH provided advice on the Forest of Clunie Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and recommended some further consideration of potential impacts on black grouse. The proposed increase in the extent of area covered by the Habitat Management Plan helps alleviate SNH's concerns somewhat provided no construction works be undertaken [including vehicle movements along tracks] before 9am within 750m of any black grouse lek during April and May. This would ensure that the likelihood of causing disturbance to lekking birds during the sensitive breeding season is avoided.
- 302 In addition SNH recommend the requirement for a buffer zone of at least 500m between the lek(s) and the location of any turbine. This would be to minimise the risk of displacement during operation.

Local Designations and Biodiversity

- 303 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.
- 304 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 dry heath with smaller areas of wet heath and is used for mainly grazing of sheep and cattle. SNH advise that European Protected Species (EPS) which could be affected by the proposal are Slender Naiad, Otters and Bats. Other protected species are Water Voles and Red Squirrel, Wildcat, Pine Marten and Badgers.
- 305 SNH in general agree with the findings of the ES provided the mitigation measures within the ES and their recommendations are carried out. They do not agree with the findings of the ES in relation to Slender Naiad. Overall the population of Slender Naiad in the Dunkeld-Blairgowrie Lochs SAC has reduced significantly in recent years.
- 306 Where the plant is present with a viable slender naiad population Loch of Lowes is extremely important. It is connected to Loch of Craigush by a short canal; therefore, any impacts on Craigush would be likely to be reflected in Lowes as well.
- 307 According to SNH the application provides insufficient information to assess these impacts fully, but the proximity of the works to straighten sections of the road is sufficient to consider that, should the proposal be implemented as described in the ES, there would be a high risk of detrimental impact to the already unfavourable conservation status of the plant.

Ornithology

- 308 The development site is not statutorily designated at international or national level for ornithological interests but is adjoining to the Forest of Clunie SSSI and Special Protection Area, designated as an important area for birds, particularly raptors.
- 309 The consultation response from the RSPB acknowledges that the wider area surrounding the site historically supported a range of breeding birds including Annex 1 Species and raise strong concerns about the impact the proposal will have on the Forest of Clunie SSSI and SPA. However they state that provided suitable mitigation and monitoring is secured it should be possible for there to be no adverse impact on the integrity of the SSSI and SAC.

- 310 SNH also provides detailed commentary on ornithology and in particular Hen Harriers, Short Eared Owls, Merlins, Osprey and Black Grouse.
- 311 SNH considered Hen Harriers, Short Eared Owls and Merlins together as all have similar sensitivities and require a similar habitat. In terms of foraging they are unlikely to be affected and collision risk with the proposed turbines is considered to be low. They agree that the mitigation measure outlined in the ES would further minimise the risk of harm to protected bird species.
- 312 There are several known Osprey nests in the vicinity of the proposed development the nearest ones being 3.2 and 3.6km (both of which are outside the SPA).
- 313 The ES states Ospreys do not nest, nor regularly forage, in the vicinity of the site (i.e. within 2km), with observations restricted to just three sightings of 1-2 birds flying over during the flight activity work. The ES also states that there is no connectivity between the development and the SPA Osprey population and the proposal would be unlikely to have a significant effect on the SPA Osprey population either directly or indirectly.
- 314 SNH however consider the core foraging range from Osprey nests during the breeding season is typically 10km (with some regular foraging up to 20km, and maximum recorded distance of 28km) and the close proximity of at least two osprey nests to the proposed development site, this species needs careful assessment.
- 315 Ospreys are known to fish in and nest near to lochs and water bodies in the local area. Three Osprey flights were recorded over the proposed development area. Collision risk mortality for the 2 flights which were within rotor-sweep height concludes a rate of 0.02 birds per annum. This equates to 1 fatal collision every 60.6 years. This rate of mortality far exceeds the natural life span of an Osprey and the life of the wind farm. According to SNH such a mortality rate is not likely to result in an adverse effect on the conservation status of this species.
- 316 The Councils Bio-Diversity Officer also noted that birds may not always nest and breed in the same location each year and it is essential that preconstruction breeding bird surveys are undertaken to identify any potential disturbance of breeding birds and that appropriate mitigation be provided.
- 317 Both RSPB and SNH's views on ornithology offer no objection and I see no reason to recommend refusal on this matter if the recommended mitigation and conditional control is secured.

Water resources and Carbon Rich Soils

Private Water Supplies

- 318 It is acknowledged in the ES that there are private water supplies in the area but all lie outwith the required buffer zones. SEPA are satisfied with this information and have no objection to this element of the proposal.

- 319 While contamination of water supplies is a private legal issue and SEPA may not have an objection I still 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 applied.

Groundwater Dependant Terrestrial Ecosystems

- 320 Groundwater Dependant Terrestrial Ecosystems (GWDTEs), which are types of wetland, are specifically protected under the Water Framework Directive. SEPA confirmed that following the submission of Further Environmental Information (FEI) they are satisfied with the mitigation measures proposed for the borrow pits but recommend this is controlled by way of condition.
- 321 Whilst the FEI looked a micro siting turbines 10, 14, 15 and 17 SEPA still require certain mitigation as they will all still be within 250m of protected GWDTE habitats.
- 322 SEPA recommend conditional control is needed to ensure there is avoidance of sensitive areas of GWDTE. Mitigation measures are required to maintain the functionality of wetlands and prevent structures from becoming preferential conduits of water and should also be secured as a planning condition where avoidance is not possible. Any areas identified as wetlands should not be used to treat contaminated water.
- 323 The mitigation measures for the protection of the Lunan chain of Lochs and the Tay Special Area of Conservation waters are considered to be satisfactory, however, strict maintenance and vigilance will be required during construction, especially during wet weather, to check that the systems in place are working correctly.

Management of Peat

- 324 Following the submission of Further Environmental Information (FEI) SEPA are satisfied in relation to development on peat and is sufficient enough for their original objection to be withdrawn.
- 325 A study commissioned by the Scottish Government and carried out by CH2M Hill has confirmed the impact on peat in the area will be minimal.

Site Drainage and Watercourse Crossings

- 326 SEPA considered that the ES lacked detail on specific site drainage and they required further information on that aspect as a good site drainage plan is critical to a successful pollution free project especially for the nearby Lunan Lochs.

- 327 Following submission of Further Environmental Information SEPA is satisfied that the additional information addresses their concerns as it provided the necessary mitigation to prevent pollution of land and lochs in the area. They are satisfied that any issues can now be addressed at the time of the formal submission of the final Drainage Management Plan
- 328 With regards to watercourse crossings, there are several water crossings proposed on site and the intention is to use mostly pipe culverts. SEPA's preference is for the use of bridging structures wherever possible and the use of such structures should be considered as culverts in the form of pipes are SEPA's least preferred option for crossings. If piped culverts are deemed to be a necessity the developer should provide justification as to why they must be used in preference to bridging structures.

Forestry

- 329 Forestry Commission Scotland (FCS) are content that the proposal accords with the Scottish Government's Woodland Removal Policy provided replacement planting shall be undertaken on a like for like basis as per the ES and FEI
- 330 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 felling and requirement for compensatory planting as specified by the Forestry Commission helps meets the requirements of Policy NE2B.

Electricity Transmission/Grid Connection

- 331 The ES advises that the wind farm will connect into the existing grid infrastructure of the 132kV power line which transects the site. No exact location has been identified but the indicative plans show that there will be a short distance required and result in a low impact grid connection.
- 332 While it would have been useful to gain a fuller understanding of the grid connection location at this point in time and consider the effects of the infrastructure in this assessment, nevertheless, I accept the Planning Authority would 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

- 333 The MOD and CAA has been consulted on this application and have 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.

- 334 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.
- 335 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

- 336 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.
- 337 In this case there are two properties (Craigend and South Craigend) located where shadow flicker would occur as they are within ten rotor diameters of the proposed turbines and without mitigation the impact could be significant. The ES recommends conditional control to ensure the appropriate mitigation can be achieved.

Noise

- 338 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.
- 339 Consultation with the Council's noise consultant Dick Bowdler confirms that background noise levels have been measured and processed in accordance with good practice and turbine noise levels at surrounding properties are correctly calculated.
- 340 The lower day time noise limit of 40dB is considered to be too high for such a rural area and the limit should be lowered to 38dB for both day and night.
- 341 The Council's noise consultant considers that there will be a major loss of amenity at Craigend and South Craigend during the day and also at Ranager, Wester Logie Cottage and Grimmstane Cottage at night. There will be a significant loss of amenity at all other properties inside the 35dB contour at some times.

- 342 Overall, the noise limits are only exceeded by 1dB. Should the application be consented therefore it might be feasible to control levels to these limits by condition, though there would still be a major loss of amenity at Craigend and South Craigend and a significant loss at some other properties.
- 343 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

- 344 The construction of Dulater would result in the local community served by the A923 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.
- 345 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) have not objected to the proposal.
- 346 The Council's Transport Planner however has raised some procedural issues with the proposed widening and improvement along the A923 but ultimately has not objected to the proposal.
- 347 The Transport Assessment (TA) included in the appendices of the ES, notes there will be approximately 8 HGV movements per hour along the A923 and C502 during peak construction.
- 348 The percentage increase of HGV movements on the A923 exceeds Institute of Environmental Management and Assessment (IEMA) guidelines but is considered to be acceptable given the existing low baseline for the road.
- 349 Some significant physical works will be required along the A923 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

- 350 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 57.8MW. The applicant has undertaken a carbon balance assessment (Chapter 16) and has calculated the 'payback time' of CO₂ emissions associated with the development. The ES incorporates a Payback Timetable, this predicts an approximate 14 month pay back and a worst case scenario calculated at 26 months.

- 351 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.
- 352 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.
- 353 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 conditions should be considered to ensure reasonable public access in continued.
- 354 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.
- 355 With regards to the operational phase there will be demand for public access through the windfarm site and this should not be 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.
- 356 In terms of the wider economy of the economic benefits associated with wind farms are detailed in the applicant's submission. This highlights that 20 full-time equivalent jobs will be created during the construction of the development. Employees from the manufacturer and suitably qualified local contractors will also be required during the 25 year lifetime of the turbines.
- 357 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.

- 358 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.
- 359 Overall, based on the findings earlier in this assessment the adverse effects on environmental quality are of such strength to outweigh any benefits to sufficiently warrant objection to the application.

LEGAL AGREEMENTS

- 360 None required

DIRECTION BY SCOTTISH MINISTERS

- 361 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

- 362 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.
- 363 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 independently appointed 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.

364 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, it is recommended that Members lodge an objection to the proposal.

RECOMMENDATION

A Object to the application for the following reasons:

- 1 The proposal 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 Local Development Plan 2014.
- 2 The location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a) (b) (f) of the Perth and Kinross Local 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 Local 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 Local Development Plan 2014.
- 5 The application is contrary to policy NE1B of the adopted Local Development Plan 2014 as the visual and cumulative effects would erode the experience from popular viewpoints within River Tay (Dunkeld) National Scenic Area (NSA).
- 6 The application is contrary to Policy EP8 of the adopted Local Development Plan 2014 as the noise levels predicted would have an adverse impact on the amenity of nearby residential properties.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

None

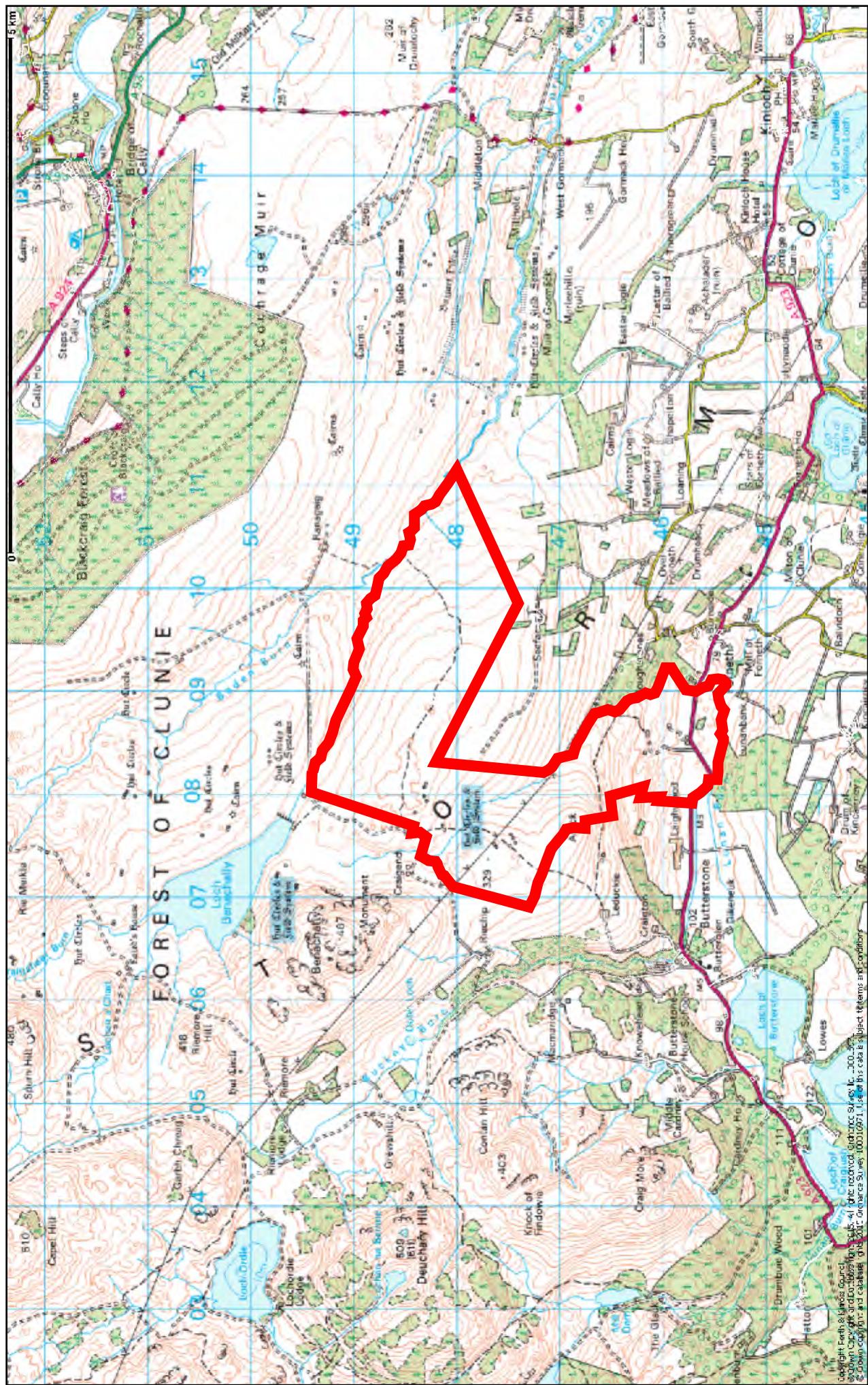
Background Papers: None
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NICK BRIAN DEVELOPMENT QUALITY MANAGER

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14/00002/WIND

Proposed Dulater Hill Wind Park at Land 2700m North East of Laighwood, Butterstone

A compass rose icon with the letter 'N' at the top, used to indicate the cardinal direction of North.

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