

Perth and Kinross Council
Development Management Committee – 11 May 2016
Report of Handling by Development Quality Manager

Erection of a wind farm comprising 14 turbines (6 within Perth and Kinross and 8 within Angus), access track, borrow pits, anemometer mast and ancillary works known as Saddlehill Windfarm, Land at Black Hill, Glen Isla

Ref. No: 14/01993/FLM

Ward No: 3 - Blairgowrie and Glens

Summary

This report recommends refusal of the application for the erection of six turbines and associated infrastructure, on land within Perth and Kinross Council's administrative area, as the location, prominence, scale and layout of the proposed windfarm would have unacceptable adverse landscape impacts. Including cumulative landscape impacts on the immediate landscape character as well as the wider landscape setting and the Highland Boundary Fault. Additionally the windfarm has significant and unacceptable visual impacts, including cumulative landscape impacts on residential, recreational and tourist receptors. In light of the above and the adverse impact on the setting of scheduled ancient monuments it is considered that the magnitude of the adverse effects associated with the development are significant and environmentally unacceptable.

The proposal is not considered to comply with the overriding thrust of the development plan and there are no material considerations of sufficient weight which would justify departing from the development plan. Accordingly the application should be refused.

It should be noted that Angus Council has refused the application for the eight turbines within their administrative Area.

PROPOSAL

- 1 The windfarm application site straddles the administrative boundaries of Perth and Kinross Council and Angus Council. The site is located 10 km to the north of Blairgowrie, approximately 8km to the north west of Alyth and around 6.5km to the north east of Bridge of Cally. The site is approximately 456 hectares in area. To the west of the site is the operational Drumderg windfarm. The consented Tullymurdoch windfarm is located to the south of the site.
- 2 The proposal involves the erection of fourteen turbines between 330m and 430m AOD. The turbines would be on hubs of 70m with 90m diameter rotors giving a maximum blade tip height of 115 m, each turbine would have a crane hardstanding adjacent to the turbine base. The developer has confirmed that a transformer will either be located in the turbine or directly adjacent to the turbine base (it should be noted that the latter is not included in the visualisations). Eight of the proposed turbines are located within Angus on the

open hillside of Black Hill along with an anemometer mast. The remaining six turbines are located in Perth and Kinross in an area that predominantly consists of coniferous plantation.

- 3 Access to the site will be gained from the U388 in Angus where a new junction would be formed. In total there would be 12.9km of track required to facilitate the windfarm development. To accommodate windfarm traffic the existing access tracks, 2.5km in total, would be upgraded. A further 10.4km of new access track would be formed to access the turbine bases. Two borrow pits would be formed to win material (both located in Angus). Underground cables would connect the turbines to the electrical control building which would also be located in Angus.
- 4 The applicant has advised that the exact connection point can only be confirmed by the local distribution operator once a planning consent for the windfarm is secured. However Coupar Angus is prescribed as the likely grid connection point for the scheme and an indicative grid connection route is detailed in the ES. The applicant notes that the connection would likely be aboveground on wooden poles. A separate consenting process is involved if an above ground connection is pursued.
- 5 The development is expected to have an operational life span of twenty-five years. Construction would take approximately twelve months with decommissioning taking a further twelve months. The maximum combined output of the turbines is dependent on the turbine however the applicant has confirmed that the generating capacity of each turbine would be up to 2.5 megawatts (MW). This would result in the development having a total potential generating capacity of up to 35MW.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning 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.
- 7 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.
- 8 The Environmental Statement supports the planning application and is a key part of the submission.
- 9 Supplementary Environmental Information (SEI) was submitted in May 2015 and January 2016 covering windfarm noise, construction noise and forestry.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

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

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

Planning Statement

11 The Planning Statement considers the proposal in the context of the Development Plan framework and other material considerations including national policy and guidance and local guidance. It concludes, in the developer's view, that the development draws significant support from NPF3 and the presumption in favour of development that supports sustainable development, as introduced by SPP, is fully engaged. The developer also considers the scheme accords with the development plans when they are read as a whole.

Design Statement

12 The Design Statement highlights that the developer identified a number of sensitivities through the design process and they have been avoided in the iterative design process as far as possible, with mitigation or enhancement proposed in the ES. It should be noted that landscape and visual considerations are predominantly considered in Chapter 8 Landscape and Visual of the ES.

Pre-application Consultation Report

13 Under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 this proposal is defined as a Major application due to the electricity generating capacity of the thirteen turbine proposal exceeding 20 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.

14 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.

NATIONAL POLICY AND GUIDANCE

15 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

- 16 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

- 17 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.
- the determination of planning applications and appeals.

- 18 Of relevance to this application are,

- 19 A successful Sustainable Place

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

- 20 A Low Carbon Place

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

- 21 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

22 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

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

24 The topic guidance includes encouragement to planning authorities to:

- Development spatial strategies for wind farms.
- Ensure that Development Plan Policy provides 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.

25 In relation to any assessment of cumulative impacts it is advised that:

In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines,

either as stand-alone 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.

In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.

DEVELOPMENT PLAN

- 26 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Perth and Kinross Local Plan 2014.

TAYplan Strategic Development Plan 2012

- 27 The vision set out in the TAYplan states that:

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

Policy 2: Shaping Better Quality Places

- 28 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

- 29 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

- 30 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 2014

- 31 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 32 The relevant policies are, in summary:

Policy PM1A - Placemaking

- 33 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

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

Policy PM2 - Design Statements

- 35 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 PM3 - Infrastructure Contributions

- 36 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED3 - Rural Business and Diversification

- 37 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy TA1A - Transport Standards and Accessibility Requirements

- 38 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 39 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

- 40 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

- 41 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

- 42 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

- 43 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 HE4 - Gardens and Designed Landscapes

- 44 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1A - International Nature Conservation Sites

- 45 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

- 46 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

- 47 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

- 48 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

- 49 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

- 50 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

- 51 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

- 52 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with

the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

Policy ER1B – Extensions of Existing Facilities

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

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

- 54 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

- 55 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 EP3C - Water, Environment and Drainage

- 56 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP5 - Nuisance from Artificial Light and Light Pollution

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

Policy EP8 - Noise Pollution

- 58 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

- 59 This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005. As Members are aware, the Council undertook

extensive public consultation on its Wind Energy Policy and Guidelines and was approved by the Council in May of 2005.

- 60 The Council recognises that following the publication of the Scottish Planning Policy, 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. This takes account of the Council's experience in using the WEPG since 2005 and the findings of Ms McNair (reporter) in relation to the Abercairny wind farm proposal.
- 61 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.
- 62 Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, for inclusion in Planning Applications and Environmental Statements. This provides advice on the selection and identification of viewpoints, photography standards and photomontage standards.

Tayside Landscape Character Assessment (TLCA)

- 63 The Tayside Landscape Character Assessment (TLCA), 1999, is published by Scottish Natural Heritage and remains a valid baseline resource. Whilst some of its guidance on wind energy is dated, owing to the much smaller size of turbines considered in the TLCA, other aspects of the study remain a useful resource.

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

- 64 This documents purpose is to inform the development of the 'spatial strategy for Wind' which will be subject to consultation and ultimately approval by the Council as supplementary guidance. The need for the preparation of this Supplementary Guidance is detailed in the Local Development Plan under the heading 'Guidance to be published later' in Appendix 1: List of Supplementary Guidance.
- 65 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. Although this document will form part of a strategic planning framework and the report should not be used in isolation, or to 'test' proposed wind farm developments, there are elements of the study which are useful in the consideration of the application but the weighting that can be attached to this technical report is limited.

- 66 The 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.

Perth and Kinross Local Landscape Areas

- 67 This supplementary guidance has been prepared to support LDP Policy ER6 *"Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes"*. Publication on the documentation ran for a period of 8 weeks from 28 November until 19 January 2015. Comments received through the consultation process were analysed and the Council's response and amended draft guidance document were on 25 March 2015 at the Enterprise and Infrastructure Committee. The Supplementary Guidance was submitted to the Scottish Ministers and approved on the 17th of June 2015.

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

- 68 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.
- 69 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.
- 70 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 between 30 and 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.

- 71 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.
- 72 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.
- 73 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

- 74 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

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

Scottish Natural Heritage – Visual Representation of Windfarms December 2014

- 76 This document sets out guidance in producing visual representations of windfarms. It builds on experience gained since the first publication of the document in 2006 on how to represent proposed windfarm developments in a more accessible and realistic way.

SITE HISTORY

- 77 Members will be aware that there is considerable pressure for windfarms in this locale. There are a number of operational and approved windfarms in the vicinity of the application along with others under considerations. The key sites are as follows:-

- Drumderg (operational) 16 turbine scheme at 107metres to tip.
- Welton of Creuchies (consented) 4 turbine scheme 99 metres to tip.
- Tullymurdoch (consented) 7 turbine scheme 120 metres to tip, 80m rotor.
- Tullymurdoch (revised turbine dimensions) 7 turbine scheme 115 to tip, 92.5 m rotor, challenge with Court of Session.
- Corb (consented) single turbine scheme 84 metre to tip.
- Dulater (S36 application under consideration) 17 turbine scheme 125 metres to tip.
- Macritch (S36 application under consideration) 18 turbine scheme 125 metres to tip.
- Greenburn (under consideration) 11 turbine scheme 126.5 metres to tip.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 78 Initially objected to the application unless clarification was provided on peat depth close to turbine 13 and the groundwater dependency of Habitat 17 Groundwater Dependent Terrestrial Ecosystem (GWTDE).
- 79 Following clarification SEPA confirm that if the scheme is made subject to conditional control then no objection is offered. Conditional control is required to secure an environmental management plan, a pollution prevention plan as well as micro-siting around wetland ecology including groundwater dependent terrestrial ecosystems (GWDTEs).

Scottish Natural Heritage (SNH)

- 80 Has commented on the relationship of the development with the River Tay Special Area of Conservation (SAC). They advise that the scheme could be progressed with appropriate mitigation. They object unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in their appraisal.
- 81 In their view it is unlikely that the proposal will have any significant effect on any qualifying interests either directly or indirectly on the Dun Moss and Forest of Alyth Special Area of Conservtaion, the Forest of Clunie Special Protection Area or the Loch of Lintrathen and Loch of Kinnordy Special Protection Area and Sites of Special Scientific Interest. They do h9owever recommend the implementation of mitigation measures for a range of habitats and species that can be controlled by condition.

- 82 With regards to landscape and visual impacts they advise the proposal would create a confusing pattern of wind farm development on the Highland boundary fault, which is not a good fit with the existing Drumderg and consented Tullymurdoch wind farms. It would also result in significant adverse cumulative landscape and visual impacts upon, landscape character, views and recreational amenity of walkers on the hills and mountains along and to the north of the Highland boundary, including the Catearan trail and views and visual amenity of residents and visitors in Glen Isla, Strathmore and the Sidlaws.

Historic Environment Scotland (HES)

- 83 No objection but they do recommend the removal or re-siting of turbines T2/3 and T13/14.
- 84 They consider the development is likely to have adverse impacts to varying degrees on the setting of a number of scheduled monuments in its vicinity, on the basis of the information provided and site visits. They have reached the conclusion for each asset the effect is not so adverse as to raise such issues of national significance that they would object.
- 85 However, they do recommend that the design layout is re-evaluated as the magnitude of impact is high and there will be a significant impact upon the setting of:
- *Redlatches, settlement and field system 1900m SSE of (index no. 4640)*
 - *Redlatches, settlement and field system 1900m S of (index no. 4673)*
 - *Craighead, settlement and field system 900m N of (index no. 5581).*

Transport Scotland

- 86 No objection is offered subject to conditional control being applied to minimise adverse impacts on road users.

Royal Society for the Protection of Birds

- 87 Do not object to the application but raise concerns on the potential impact on ornithology. They recommend that conditions are put in place to secure a habitat management plan for the site (particularly for the newly clear felled area in Perth and Kinross) and post construction monitoring targeted on specific species to understand the effects of the forestry removal.

Forestry Commission Scotland (FCS)

- 88 Initially objected to the application and noted that a technical paper was required to address their concerns relating to forestry. Updated Supplementary Environmental Information and further clarification removed the FCS objection if conditional control was applied to safeguard areas of woodland on site and to provide for re-stocking.

Scottish Water

- 89 No comments received.

Ministry of Defence

- 90 No objection is offered subject to conditional control.

Dundee Airport

- 91 No objection

National Air Traffic Control Scotland (NATS)

- 92 No safeguarding objection to the application.

Cairngorms National Park Authority (CNPA)

- 93 No objections to the proposed development. CNPA Planning Committee did however wish to highlight their concern regarding the encircling of the Cairngorms National Park by wind farm development.

Blairgowrie and Rattary Community Council

- 94 Objects. Considers that the cumulative effect along with Drumderg and Tullymurdoch windfarms already approved, will be detrimental to the landscape character, visual integrity and residential amenity contrary to PKC Policy ER1A. Additionally the Community Council is of the view that the proposal is contrary to PKC Policy ER6 (a)(b)(c)(d) as the proposal neither maintains or enhances the landscape qualities of Perth and Kinross, especially when considered cumulatively with the existing approved and proposed windfarms nearby.

Luncarty, Redgorton and Moneydie Community Council

- 95 Objects. While the community council is generally supportive of the Government's commitments to increase production from renewable energy resources, they note it is essential that the planning process protects unique and sensitive landscapes and that the cumulative impact of windfarms is minimised.
- 96 The Community Council is of the view the proposal would have a significant landscape and cumulative intrusive visual impact which could in turn negatively impact on the recreational and tourism desirability of the Glen Isla area in particular. They are increasingly concerned about the proliferation and continued proposals to expand large scale windfarms across the county with continued expansion having a negative visual impact on Perthshire's unique highland landscape. Their objection also raises concerns with impact on recreational assets, tourist related businesses and the impact on ecology.

Perth and Kinross Heritage Trust

- 97 Agree with the objectives and methodology set out in chapter 9 of the Environmental Statement. They are content with the assessment that has been carried out but consider that conditional control is required to secure protective fencing for Whin Craigie sheiling hut.

INTERNAL

Perth and Kinross Access Officer

- 98 No objection subject to conditional control to manage public access rights.

Perth and Kinross Flooding Section

- 99 No objection.

Perth and Kinross Bio Diversity Officer

- 100 No objection

Environmental Health (including Dick Bowdler Acoustic Consultant)

- 101 Environmental Health has commented in the context of construction noise, shadow flicker and the protection of private water supplies.
- 102 In respect of shadow flicker they advise that properties within a 10 rotor diameter need to be considered, as no properties fall within this distance they do not foresee issues with shadow flicker.
- 103 Conditional control can regulate potential effects on private water supplies.
- 104 Construction noise would be within acceptable levels according to the information submitted but should issues arise this matter can be pursued under Environmental Health's legislation.
- 105 With regards to operational noise, Dick Bowdler Acoustic Consultant was requested to review the environmental statement and the Supplementary Environmental Information (SEI) submitted by the applicant. His response confirms that cumulative noise level from the various wind turbine developments at the most affected properties here will be significant. Whilst it might in theory be possible to operate Saddle Hill without breaching the cumulative limits, the noise from Drumderg and Tullymurdoch alone will be on the limits at some properties in some conditions without the addition of Saddle Hill. To stay within the limits Saddle Hill will have to apply significant mitigation at various times under a range of common wind conditions.

Representations

106 The application has attracted a number of representations both for and against the proposals.

Support

107 123 letters of support have been received raising the following issues:

- Contributes to renewable energy targets
- Tackles climate change/reduced greenhouse gas emissions
- There is a community benefits package.
- Electricity is renewable, cheaper electricity bills in the long-term.
- There will be business and employment opportunities associated with the windfarm.
- Any traffic disruption is considered acceptable

Objections

108 378 letters of objection have been received raising the following issues:

- Unacceptable design, out of scale, impact on landscape character, Cairngorms, wild land and Glen Isla.
- Visual impact on communities, residents road users, visitors, recreational users (Cateran trail and munros).
- Cumulative landscape and visual impacts
- Concerns with the residential survey
- Impact on ecology/protected species (construction and operation)
- Concerns regarding ornithology surveys
- Noise and health issues
- Shadowflicker, sunlight/daylight.
- Woodland/tree loss
- Flooding
- Health and safety/ ice throw/ turbine safety.
- Historic site (archaeology cultural heritage)
- Impact on peatland
- Impact on water supply
- Contrary to development plans/policy

- Road safety and traffic impact
- Impact on designated sites. SSSI/SPA/SAC
- Concerns with grid connection location
- Decommissioning and decommissioning bonds
- Concerns regarding new access track, road and bridge widening
- Adverse impact on economy and existing businesses (tourist/rural economy)
- Concerns with MOD lighting.
- Publicity of application

109 The above matters are addressed in the Appraisal section of this report. However the following elements are best addressed at this stage under the following headings:-

- Viability/subsidies are born by tax payers - the impact this proposal may have on tax payers falls out with the remit of this planning assessment.
- Property values - it should be noted that the potential loss in property value falls outwith the remit of this assessment
- Efficiency of turbines questioned and no site specific wind data - a number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.

110 Whilst these concerns are noted it must be acknowledged that Planning Policy does provide support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020.

ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Environmental Statement submitted.
Environmental Impact Assessment	Yes
Appropriate Assessment	Not undertaken following guidance from Scottish Natural Heritage.
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Incorporated into Environmental Statement.

APPRAISAL

- 111 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 LDP.
- 112 Tayplan provides the general strategic planning context for the area in order to inform the preparation of individual local development plans. This includes providing the vision and general planning objectives. In relation to renewable energy proposals, the general objective is that provision should be made in an environmentally acceptable manner. However, Tayplan does not include detailed guidance that is directly relevant for the assessment of an individual wind farm proposal.
- 113 With regards to the adopted LDP, Policy ER1 is of particular importance as it relates to renewable energy generation. The criterion contained within this policy forms the main basis for the determination of the application. Policy ER 1A addresses new proposals. Policy ER 1B relates to extensions of existing facilities. It should be noted that Policy ER 1B cross refers to the same assessment criteria as Policy ER1A.
- 114 Policy ER 1A supports renewable energy proposals subject to considering a range of factors including biodiversity, landscape character, visual integrity, wildness qualities, transport implications and the impact upon tourism which is in line with Scottish Government planning policy and the planning objectives of Tayplan.
- 115 There are numerous other individual plan policies that are applicable in the determination of the application as detailed in the policy section. It should be noted that a degree of overlap and duplication occurs, however Policy NE1 - Environment and conservation, Policy NE 3 - Biodiversity and Policy ER 6 -

Managing future landscape are of relevance in the determination of this application.

- 116 Although the policy position is generally supportive of renewable energy schemes this is subject to a number of criteria being satisfied, renewable energy schemes may meet some environmental requirements and not others therefore 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.

Natural Heritage

- 117 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 and National Designations

- 118 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.

The River Tay Special Area of Conservation (SAC):-

- 119 The development site is approximately 5km upstream of the boundary of the River Tay SAC. The proposal lies within the River Isla catchment which is a tributary to the Tay and consequently connected to the SAC. The ES identifies the features for which the River Tay SAC is classified, namely Atlantic Salmon, Otter, River Brook and Sea Lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels. The main impact on the qualifying features that are present (Salmon and Lamprey) is the potential release of sediments or chemical run-off into the water courses that are connected to the SAC.
- 120 SNH disagree with the conclusions of the ES and advise that they are of the view that the proposal is likely to have a significant effect on the qualifying interests of the site due to the potential for an increase in sediment runoff and pollution during the construction phase of this proposal. However they have advised that if the proposal is undertaken strictly in accordance mitigation measures then the potential significant effect on the qualifying interests of this designation can be avoided. They advise a detailed site Environmental Management Plan (EMP) and specific Construction Method Statements (CMS)

as outlined in Chapter 2 Sections 2.4.2 - 2.4.5 should be produced and agreed with the Councils and SEPA prior to work commencing on site. The EMP and CMS should seek to minimise pollution and sedimentation in the water environment and should include the initial site clearfell period.

Dun Moss and Forest of Alyth Mires Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSIs):-

- 121 These designations are rare examples of internationally important upland raised bogs. The wind farm lies downstream of the wetland areas so the risk of pollution or sediment runoff entering the SAC is minimised. The wind farm lies downstream of the wetland areas so the risk of pollution or sediment runoff entering the SAC is minimised. The ES concludes that there are unlikely to be any impacts to the SAC. SNH agree with this stance having regard to the distance from the turbines and the lack of a pathway for ground water to enter the mires.

Forest of Clunie Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI):-

- 122 The development site is approximately 6km north east of the Forest of Clunie classified for hen harrier, osprey, short eared owl, merlin and black grouse.
- 123 SNH note that a number of osprey flights were recorded during vantage point watches suggesting that a pair may breed close to the wind farm site. Collision risk modelling was not carried out as less than 5 flights were recorded within the collision risk zone identified within the ES. Although ospreys have a core foraging range of up to 10km, information obtained from the RSPB suggests that ospreys flying over Saddle Hill are more likely to be birds which nest in the surrounding area rather than those nesting within the SPA. SNH also note there are no large standing waterbodies or rivers on the Saddle Hill site which would attract foraging ospreys.
- 124 With regards to other features of the Forest of Clunie SPA, SNH note that the Saddlehill site is outwith the core foraging range for these species.

Loch of Lintrathen and Loch of Kinnordy Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs):-

- 125 These sites are within Angus and lie 5km and 13km respectively from the proposed development site. Greylag geese and / or Pink Footed geese are a feature at both sites and are known to forage out to 20km from roost sites.
- 126 SNH are of the view that there will be no impacts to geese through displacement or collision mortality and therefore the proposal will not adversely affect the integrity of the sites.

Local Designations and Biodiversity

- 127 Policy NE1C confirms that development which would affect an area designated as being of local nature conservation interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. There are no adverse impacts on local nature conservation interest designations. Therefore policy NE1C is not contravened.
- 128 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 upland habitats and commercial forestry. Turbine and track construction will result in the loss of approximately 10% of the dry heath and <1% of the blanket bog habitats on site. Both blanket bog and dry heath are on Annex 1 of the Habitats Directive, with active blanket bog a priority feature. Section 5.7.34 of the ES recommends the production of a Habitat Management Plan to enhance the heath and bog communities retained on site.
- 129 Otter, bats and pine marten were recorded within the development site with suitable foraging habitat also available for wildcat (with recent reliable sightings of wildcat using the area have been passed to SNH). Accordingly there is the potential for disturbance or damage to the resting places of protected species from forest clear-felling and construction and operation of the wind farm, such as operations to upgrade or widen the existing forestry track and water crossings.
- 130 Section 5.7 of the ES makes recommendations for pre-construction surveys for bats and otters. SNH advise these surveys are expanded to include pine marten, wildcat and badgers. Results of these surveys will inform any licensing requirements and should form the basis of individual Species Management Plans (SMP) and mitigation measures. It is considered that this can be controlled by condition and will safeguard wildlife and wildlife habitats to comply with policy NE3.
- 131 The removal of forestry could also have impacts on the welfare and movements deer. SNH recommend that deer management plan is conditioned to ensure these impacts are addressed.

Ornithology

- 132 The nearest SPA and SSSI sites which are designated areas for birds have already been assessed above. This section relates to ornithology issues out with the SPA and focuses on Hen Harrier, Goshawk, Curlew and Blackgrouse.
- 133 Due to the low level of activity associated with Hen Harriers collision modelling has not been carried out as part of the ES. Both the RSPB and SNH note that Hen Harrier activity may increase once the coniferous forest is felled on the Saddlehill site and small mammal numbers increase in open ground habitats. RSPB recommend that post construction monitoring is put and also refer to a habitat management plan. SNH confirm that updated guidance on this matter is

likely to be published in 2015. Taking this into account it is considered that conditional control can secure mitigation.

- 134 Goshawk and curlew were the only species in the ES that were recorded in sufficient numbers within the collision risk height of the turbines. Predicted collision rates were 0.02 and 0.016 per annum for goshawk and curlew respectively. SNH confirm that the results indicate that the likely collision mortality rate is insignificant for these species
- 135 Two Black grouse leks were identified within 2km of the wind farm with 7 and 9 males respectively. As both leks are more than 750m from any turbines or tracks SNH confirm there is unlikely to be any significant impacts from disturbance or collision mortality.
- 136 While I acknowledge the strong ornithological concerns expressed by representations I attach weight to SNH's conclusions and recommendations as they are the body with specific responsibility to provide advice on ornithological matters. In this regard no objection is offered by SNH and I see no reason to recommend refusal on this matter if conditional control is secured. I also note that RSPB have no objection to the application if conditional control is applied.

Water resources and Carbon Rich Soils

Private Water Supplies

- 137 Environmental Health note that there is a limited public mains water service in the area therefore many surrounding properties are likely served by private water supplies. They recommended that the Environmental Protection Plan should include a water management plan which should include full details of the sources, infrastructure including treatment and properties served by private water supplies arising within, or likely to be affected by the development. As well as details of the proposed nature and frequency of baseline water supply monitoring, along with details of proposed methods of alerting affected individuals as a result of a contamination issue arising from the development along with alternative water supply arrangements.
- 138 While contamination of water supplies is a private legal issue, I consider it only reasonable to safeguard water quality and water supplies by condition to ensure the amenity of residential properties and/or other enterprises which use that supply are protected. Accordingly conditional control can be applied.

Groundwater Dependant Terrestrial Ecosystems and Management of Peat

- 139 The initial consultation with SEPA confirmed that they required clarification on peat depth close to turbine 13 and whether the Groundwater Dependant Terrestrial Ecosystems (GWDTEs) habitat 17 was moderately or highly groundwater dependent. Following clarification SEPA advised that they were satisfied on these matters. Conditional control is still requested to avoid pollution and protect the water environment.

Forestry

- 140 FCS has highlighted that in support of proposals for the removal of woodland the applicant should provide strong evidence that doing so will achieve significant and clearly defined additional public benefit, as is outlined in the Control of Woodland Removal policy. The FCS also expect the detail in any submitted ES to include all woodland issues associated with the proposed planning site including: a clear tie to the evidence relating to the policy as stated above, the proposed management of the remaining woodland area, any proposed further felling that may be required, and any new planting within the development area or mitigation planting proposed out with the site including specifications. FCS objected to the scheme at the outset noting that there was a lack of details associated with the proposed forestry works.
- 141 In response, the applicant submitted supplementary environmental information which included a forestry review. The FCS was re-consulted and they welcomed the revised proposal to maintain woodland on the site. However, they still sought clarification on the buffer zones around the turbine bases, the scale of the borrow pits and whether they would be reinstated to forestry along with details on the proposed restock percentages before the granting of consent.
- 142 In correspondence dated the 21 January they confirmed that they have reviewed their position and conditional control is recommended.
- 143 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. Taking this into account the woodland resource on the site can be protected and supplemented through restocking by conditional control to achieve compliance with this local plan policy.

The Historic Environment, Cultural Heritage

- 144 HES has confirmed that they are content that the windfarm has been designed to avoid direct impacts upon nationally important heritage assets.
- 145 However, they advise that the proposal will have indirect impacts (i.e: setting) upon various heritage assets in the vicinity of the site. They do note that the impacts of greatest significance relate to the following Scheduled Ancient Monuments:
- Redlatches, settlement and field system 1900m SSE of (index no. 4640)
 - Redlatches, settlement and field system 1900m S of (index no. 4673)
 - Craighead, settlement and field system 900m N of (index no. 5581). They have highlighted that the magnitude of impact in their view is high. This is a contrast to the applicant's ES which specifies that the effect is of negligible magnitude and minor significance.

- 146 For Redlatches, settlement and field system 1900m SSE of (index no. 4640) a settlement of the later Bronze Age/Iron Age on a slight west facing slope. HS advise the proposed wind farm will intrude into the immediate setting of the settlement and in particular the most north-eastern of the turbines (T13 and T14) which will appear as a dominant feature on the eastern slope of Black Hill. The other remaining three turbines on Black Hill will impact upon the setting of this monument but to a slightly lesser extent.
- 147 With regards to Redlatches, settlement and field system 1900m S of (index no. 4673) a settlement of the Bronze Age/Iron Age on an east facing slope. They advise that the monument is characterised as open settlement within a forestry clearing. At present the monument does not have open views in or out of the clearing. The northern most two turbines (T13 and T14), in particular (those on Black Hill) will appear to almost full height to the south of the monument. These two turbines may frame the clearing and have the potential to become dominant elements in the landscape.
- 148 For Craighead, settlement and field system 900m N of (index no. 5581) a settlement and field system of the Bronze Age or Iron Age situated on the E flank of the Hill of Three Cairns. HS note that the setting of this monuments can characterised as open settlement with a forestry clearing. At present the site does not have open views in or out of the clearing. The southern turbines of the proposed development (particularly T2 and T3) will appear to almost full height to the north of the monument. These turbines may frame the clearing and have the potential to become dominant elements in the landscape.
- 149 HES confirms that on the basis of the information provided and site visits they have reached the conclusion for each asset the effect is not so adverse as to raise such issues of national significance that they would object. They do however recommend that the design layout is re-evaluated to mitigate the impact. In this case I am of the view, taking account of Historic Scotland's comments, that the proposal does not accord with Policy HE1A as the setting of the above scheduled ancient monuments are compromised.
- 150 Policy HE2 or HE3 of the LDP requires the setting of listed buildings and conservation areas to be taken into account. In this case the proposed wind farm would not have a significant effect on listed buildings or conservation areas, a view that is also shared by the Conservation Team.
- 151 With regards to Historic Garden and Designed Landscapes (HGDLs) the Council's Conservation Officer notes that a negligible effect occurs on the Craighall Rattary HGDL while a cumulative impact will occur on the Airlie Castle HGDL (based on the submitted wireline). However taking account of seasonal screening I am of the view the impact is not significant in EIA terms or sufficiently adverse to affect the integrity of the HGDL under Policy HE4.
- 152 Consultation has been undertaken with the Perth and Kinross Heritage Trust's archaeologist. They agree with the mitigation measures within the ES and recommend conditional control to secure a programme of archaeological works

to ensure the development complies with the non-designated archaeology policy HE1B.

Electricity Transmission/Grid Connection.

- 153 The ES advises that the wind farm will connect into the existing grid infrastructure at Coupar Angus. From the windfarm boundary to the grid connection point cables will be mounted on overhead poles. An indicative grid connection route is detailed at Figure 2.15 of the ES, a caveat confirms that other schemes may be constructed earlier and make use of the grid capacity at Coupar Angus, thus the connection point and route will ultimately be determined by the local Distribution Network Operator.
- 154 Policy ER1 requires the transmission system to be taken into account in the assessment however the cable route falls out with the application site and therefore this will need to be assessed either via another planning application or under the separate consenting process (i.e. The Electricity Act). I note from the ES that the indicative route has been chosen to avoid environmentally sensitive areas but when assessed against Policy ER2 there is a clear preference for underground alternatives to overhead route proposals.
- 155 Taking account of the above, if the application is granted, a negative suspensive condition should be attached so the grid connection point and method of connection can be assessed prior to the commencement of construction.

Aviation and Telecommunications

- 156 The MOD has been consulted on this application and has no objection subject to conditional control relating to aviation lighting being installed on the turbines and the exact 'as-built' position of the turbines being confirmed to them in writing. Consultation with NATS also confirms that they have no safeguarding objection to the proposal.
- 157 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.
- 158 The applicant has applied the BBC television's reception assessment tool through the scoping stage (note this service is no longer provided) and it is not considered that television reception of any domestic properties will be affected when the windfarm is in its operational phase. Nevertheless I consider it would be prudent to control this by condition, in the event that consent was issued and this would deal with the situation should any television reception complaints come forward.

Shadow Flicker

- 159 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark

shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents. In this case all turbines are located well in excess of 10 rotor diameter (900m) from the nearest residences, the closest of which is 1.22km from the nearest proposed turbine. Shadow flicker is therefore not considered to be a significant issue in this instance.

Noise

- 160 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 161 Consultation with the Council's Environmental Health Section confirms that construction noise can be controlled conditionally to comply with Policy EP8.
- 162 Consultation with the Council's noise consultant Dick Bowdler confirms that cumulative noise level from the various wind turbine developments at the most affected properties here will be significant. Whilst it might in theory be possible to operate Saddle Hill without breaching the cumulative limits, nevertheless, the noise from Drumderg and Tullymurdoch alone will be on the limits at some properties in some conditions without the addition of Saddle Hill. To stay within the limits Saddle Hill would have to apply significant mitigation at various times under a range of common wind conditions. It is almost inevitable in my view that the limits would be breached from time to time. Even if they are not, the effect of the mitigation would be to expose these properties to continuous turbine noise right on the limits in a wide range of wind speeds whatever the wind direction.
- 163 While noise can theoretically be controlled within recognised noise limits to comply with Policy EP8 it should be noted that this will likely result in Saddlehill Windfarm having to operate in a reduced mode.

Transport Implications

- 164 The construction of Saddlehill would result in the local community served by the A85, A94 and B954 between the M90 trunk road and the site being subject to disruption. The impact of construction traffic is a significant concern to residents as detailed in letters of representation.
- 165 I acknowledge the impact construction traffic can have on the road network and sympathise with the concerns of local residents. However part of the function of the public road is to facilitate approved developments on sites which are served by it. In this case consultation with the Roads Authorities (Transport Scotland

and the Council's Transport Planning Section) has been undertaken and neither has objected. Conditional control has been recommended and this will assist in minimising the adverse impact on road users. In light of this the development would not conflict with local development plan policy TA1B.

Landscape and Visual Impact

- 166 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. 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.
- 167 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.
- 168 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 SEI. Advice has been provided in terms of the LVIA methodology, the likely landscape and visual effects, including cumulative effects, of the proposed development. Site visits were undertaken in March 2016 to view the site and its surroundings from the local road network, lanes, tracks and public rights of way. Photomontage viewpoint locations and other key visual receptors were visited. The weather was changeable, being overcast some of the time but also bright with good visibility at other times.

The Council's Independent Landscape Consultant Advice:-

Scoping and Consultation

- 169 The scope and content of the ES was informed by responses to pre-application consultations with a range of statutory and non-statutory bodies including PKC and Scottish Natural Heritage (SNH), and community consultation. A scoping opinion was provided by Angus Council in November 2013, in consultation with PKC, on the proposed development which at that time was for a larger scheme comprising 22 turbines measuring up to 125m (80m to hub with a 90m rotor diameter i.e. the hub height was 10m higher).
- 170 The scoping response suggested that agreement be sought over a range of methodologies including LVIA. Issues covered in consultation responses include agreement on viewpoints and views along key routes based on Zones of Theoretical Visibility (ZTV) within the full 35km radius study area. It was suggested that particular regard should be had to the impact on the Highland

Boundary Fault (HBF) including the low lying agricultural plains of Strathmore, which contribute to the setting of the line of hills that mark the HBF, and effects on the Catteran Trail. Reference was made to the 2010 DTA report commissioned by PKC (see paragraph 8 above).

- 171 SNH specifically requested consideration of cumulative effects within an extended study area of 60km, suggesting that a scheme of that scale and size, in this location, is likely to have significant adverse cumulative landscape and visual impacts with the nearby existing wind farms (in particular Drumderg) and other consented developments (including Welton of Creuchies, East Gormack and the Corb) and proposed developments (Tullymurdoch and Bamff – the former since consented and the latter refused).
- 172 It should be noted that an application for the construction of Green Burn Wind Farm was made to PKC in September 2015. Although the Saddle Hill ES predates Green Burn, given its close proximity to Drumderg to the west the assessment of cumulative effects of Saddle Hill should include Green Burn Wind Farm.
- 173 The design aspiration should be to avoid visual confusion. Given the proximity to Drumderg, it was suggested during consultation that the LVIA should focus on design compatibility with this existing scheme. It was suggested that the LVIA should take note of SNH's *Siting and Design Guidance* (Chapter 5 in particular), including though not limited to the following issues:
- (where cumulative impacts are likely to occur within an area) ...design objectives should be established that can be consistently applied to all proposed developments. This should result in a similarity of design and windfarm image within an area that limits visual confusion, and also reinforce the perceived appropriateness of each development for its location (paragraph 5.4).
 - Where there is a contrast in pattern, scale and relationship to key characteristics this will be likely to create a confusing image questioning the relationship of the original development to its surroundings (paragraph 5.4).
 - A windfarm, if located close to another and of similar design may appear as an extension; however, if it appears at least slightly separate and of different design, it may conflict with the other development (paragraph 5.13).
 - Individual windfarms should generally appear visually separated from one another in a landscape, unless specifically designed to create the appearance of a single combined scheme (summary page 37).

Site Design Process

- 174 With regard to potential landscape and visual effects it is noted that a number of landscape design objectives were developed through consultation, site survey, assessment and an iterative design process:
- Ensure design compatibility with Drumderg and Tullymurdoch wind farms.
 - Limit the potential landscape and visual effects, including effects on Glenisla (Angus).
 - Limit the potential cumulative landscape and visual effects on residential properties.
 - Limit the potential for significant effects on the CATERAN Trail;
 - Limit the potential cumulative (sequential and simultaneous) landscape and visual effects on the A93 National Tourist Route;
 - Limit the potential cumulative effects on the views of the Highland Boundary Fault (HBF) from Strathmore; and
 - Limit the potential cumulative effects on the Cairngorms National Park in terms of cumulative development, special qualities and wild land.
- 175 Pre-application consultation and detailed site design resulted in a series of changes to the proposal, reducing the number of turbines from 22 to 14, reducing the height of the turbines from 125m to 115m (reducing the hub height by 10m whilst retaining the same rotor diameter) and, according to the ES, locating the turbines so that the proposal appears as a coherent, uniform layout with respect to the most sensitive 'design' viewpoints.

Review of Landscape and Visual Impact Assessment, ES Volume 2 Chapter 8, ES Volume 3 Figures and ES Volume 4 Appendices (Appendix 8.1, 8.2, 8.3, 8.4, 8.5, and 8.6) Landscape Guidance

- 176 The LVIA refers to various strategic planning guidance documents on wind energy development of relevance to the Saddle Hill Wind Farm application. These are SNHs *Strategic Locational Guidance for Onshore Wind Farms – Natural Heritage Considerations* (2009), the *Tayside LCA* (1999), the DTA 2010 PKC wind energy study, and a *Strategic Landscape Capacity Assessment for Wind Energy in Angus* (2014). This last document is not considered further here as it relates to land outside PKC and is thus beyond the scope of this report.
- 177 With regard to the SNH Strategic Locational Guidance, this was replaced in June 2015 with new guidance on '*Spatial Planning for Onshore Wind Turbines – natural heritage considerations*' (to bring the guidance in line with Scottish Planning Policy [SPP] 2014).

- 178 The LVIA correctly identifies the application site as lying within the *Highland Summits and Plateaux* landscape character type (LCT) and the *Forest of Alyth* landscape unit, as identified within the Tayside LCA, 1999. The LVIA refers to general guidance on wind energy development within the *Highland Summits and Plateaux* LCT as identified in the Tayside LCA but this was written at a time when turbines were much smaller structures and still relatively novel features in the landscape.
- 179 The LVIA recognises that the DTA 2010 study provides a more detailed classification of landscape character across parts of Perth and Kinross, including the development site, than that provided within the 1999 Tayside LCA. As recognised within the DTA study, the site lies within the smaller 'Transitional Moorland with Forest' LCT and the 'Forest of Alyth' landscape unit, on account of its transitional character between the 'Mountain Summits and Steep Ridges' and the 'Highland Foothills'. The DTA study considers the 'Forest of Alyth' landscape unit within which Saddle Hill Wind Farm would lie as having medium landscape sensitivity to wind energy development with potential capacity for a medium wind farm of 13 to 20 turbines up to approximately 120m high.

Study Area

- 180 A study area for the LVIA of 35km from the outermost turbines was agreed following consultation and complies with SNH recommendation for turbines between 101 and 130m to tip height¹. Zone of Theoretical Visibility (ZTV) maps to hub height and tip height were generated covering the study area, illustrating areas from where the proposed wind turbines may be visible in the landscape.

Methodology and Approach

- 181 The LVIA within Chapter 8 of the ES Volume 2 is very comprehensive, running to more than 100 pages. It is supported by Volume 3 Figures containing numerous landscape plans, photomontages and other illustrations, and Volume 4 Appendices including assessment schedules and supporting information. The appendices include a detailed description of the methodology used in the LVIA, including cumulative assessment, a residential amenity assessment, viewpoint analysis, landscape character and wild land assessment.

Visualisations

- 182 The methodology generally follows best practice guidance. It refers to a number of publications used in the assessment and up to date at the time. There are no obvious documents missing from the list, however a key SNH document '*Visual Representation of Windfarms Good Practice Guidance*', 2006, was updated in July 2014. The updated version draws on the considerable experience gained in assessing and representing wind farms since the previous version. The guidance has changed considerably and now sets out procedures for the representation of visualisations at a scale that most closely meets the perception of the human eye as receptor at the viewpoint. The method requires photographs to be taken with a fixed 50mm focal length lens on a full frame

sensor DSLR camera, which is then cropped and enlarged to provide a 75mm equivalent single frame printed image for viewing in the field at a comfortable arm's length (around 500mm for most people). The previous standard practice required images to be presented at the equivalent 50mm focal length and viewed at a correct "viewing distance" but there are now concerns that illustrations prepared using the previous 2006 guidance would be likely to consistently under-represent perceived scale in relation to the human eye. In following the latest 2014 guidance visualisations should be produced that more accurately represent the likely view of a proposed development experienced or observed from a view point.

- 183 From viewpoints within 15km there is a panoramic (stitched) photograph of the existing view and a cumulative wireframe below showing the Saddle Hill turbines with existing and consented schemes. A second figure shows the same panoramic view with a photomontage illustrating the appearance of Saddle Hill within the existing landscape (with Drumderg turbines where visible in the same view). In more distant views the wireframe is simply repeated on a second figure which adds nothing to the perception of likely effect. The quality of some of the visualisations is poor making it hard to see the turbines against a light sky (for example Viewpoint 15, Viewpoint 19, etc.).
- 184 Careful on-site interrogation of photomontages included in the ES was undertaken to ascertain how accurately they represent the operational Drumderg Wind Farm, which also gave an indication of whether the Saddle Hill photomontages accurately represent the scale of the proposed turbines as likely to be actually perceived from each viewpoint. It is considered that the images significantly underplay the size of the existing Drumderg turbines leading to the conclusion that the potential size of the Saddle Hill turbines depicted in the photomontages are also significantly underplayed. Comparing Saddle Hill photomontages with the single frame views provided from similar viewpoints in the Green Burn ES (prepared in accordance with the updated 2014 SNH visual representation guidelines) supports this conclusion, for example by comparing images of Drumderg shown in Saddle Hill VP9 with Green Burn VP1, and in Saddle Hill VP7 with Green Burn VP5.
- 185 It is noted that the PKC publication "*Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development for inclusion in Planning Applications and Environmental Statements*" is not listed in the ES as a guidance document. It would appear that many of the requirements of that publication have not been met (for example, no single frame photographs and photomontages at 50mm and 70mm focal length are provided).

Assessment of Landscape and Visual Effects

- 186 The LVIA adopts appropriate criteria to determine landscape and visual effects, by separately evaluating landscape and visual sensitivity (on a 4-point scale of high, medium, low and negligible), and the magnitude of change brought about by the development (on a 5-point scale of large, medium, low, negligible, and zero). Different levels of significance of landscape and visual effects (on a 6-

point scale of substantial, moderate/substantial, moderate, slight, slight/negligible, and negligible) are determined by way of a matrix table, with explanatory text.

- 187 As discussed in GLVIA3, there are no hard and fast rules about what effects should be deemed 'significant'. The LVIA in the ES states that 'substantial' and 'moderate / substantial' effects are "significant in terms of the EIA Regulations" (and thus effects below these thresholds are "not significant in terms of the EIA Regulations") however this is potentially confusing since the phrase has no specific meaning in relation to the EIA Regulations.
- 188 The LVIA in the ES also states that 'moderate' effects have the potential in some cases to also be "significant in terms of the EIA Regulations" which is considered a sensible approach in evaluating a low magnitude of change on a highly sensitive receptor, and a large magnitude of change on a receptor of low sensitivity, as significant. However, it is noted that although the LVIA records a number of effects as 'moderate' none are deemed as significant. Furthermore, in accordance with GLVIA3 it should also be made clear that effects not considered to be significant will not be completely disregarded.

Assessment of Cumulative Landscape and Visual Effects

- 189 An assessment of cumulative landscape effects and cumulative visual effects is essentially the same as for the assessment of site specific landscape and visual effects: the level of landscape and visual effect is determined by assessing the sensitivity of the landscape or visual receptor, and the magnitude of change. The assessment of cumulative visual effects involves reference to the cumulative visibility ZTV maps covering a 60km radius search area and the cumulative viewpoint analysis.
- 190 The cumulative landscape and visual impact assessment (CLVIA) includes 22 wind energy schemes. Within the ES the most relevant are considered to be those wind farms (as opposed to single wind turbines) within 5-6km of Saddle Hill, namely Drumderg (operational) and those consented at Welton of Creuchies and Tullymurdoch. Single turbine developments in the area have some impact but as the Reporter into the Tullymurdoch appeal stated, the key interactions in cumulative terms are between wind farms (as opposed to single wind turbines).
- 191 As mentioned above, an application for the construction of Green Burn Wind Farm was submitted to PKC in September 2015, and although the Saddle Hill ES precludes Green Burn, given its close proximity to Drumderg to the west the assessment of cumulative effects of Saddle Hill should include Green Burn Wind Farm.
- 192 It is also relevant that a modification to the dimensions of the approved Tullymurdoch turbines was approved by PKC in November 2015. Overall height of those turbines to blade tip has been reduced from 120m to 114.75m, hub height reduced from 80m to 68.75m, and rotor diameter increased from 80m to 92m, equating to a 6m increase in blade length.

- 193 Table 1 below compares the dimensions of nearby wind farms (operational and consented schemes) with Saddle Hill Wind Farm, noting its strong correlation with the modified Tullymurdoch scheme and some similarities with Drumderg.

Table 1: Comparison of the Most Relevant Wind Energy Schemes with Saddle Hill Wind Farm:

Wind Farm	Turbine No.	Hub Height (meters)	Blade Length (meters)	Ht. to Blade Tip (meters)	Rotor Diam. (meters)	Max. Ht. Including Ground Level (meters) approx.
Saddle Hill	14	70	45	115	90	545
Drumderg	16	67	40	107	80	529
Tullymurdoch (modified)	7	68.75	46	114.75	92	440
Welton of Creuchies	4	64	35.5	100	71	361

Assessment of Residential Visual Amenity

- 194 A separate assessment of residential visual amenity has been undertaken to identify any location where the proposed turbines would have an overbearing effect and/or result in unsatisfactory living conditions, leading to a property being regarded, objectively, as an unattractive place in which to live. The assessment is limited to residential properties or groups of residential properties within 5km of the proposed Saddle Hill Wind Farm which appear on the Ordnance Survey 1:25,000 scale map. The assessment is constrained by only viewing the properties from public (not private) land. However, the assessment enables the prediction of likely significant effects.

Assessment of Effects on Wild Land Areas

- 195 An assessment of the likely effects of the Saddle Hill Wind Farm proposals on two Wild Land Areas (WLA) has also been undertaken, namely the Cairngorms WLA and Lochnagar-Mount Keen WLA. The assessment considers effects within those parts of the WLAs overlapped by the Saddle Hill Wind Farm ZTV.

Viewpoints

- 196 Twenty seven viewpoints are included in the LVIA. Of these, 9 are located within PKC, 2 within the Cairngorms National Park and 16 within Angus. The 9 PKC viewpoints are considered adequate to gain a realistic impression of how the Saddle Hill Wind Farm would be perceived in the Perth and Kinross landscape. However, as referred to above, the quality of some of the visualisations is poor. An obvious omission from the viewpoints in PKC is from the iconic King's Seat on Birnam Hill above Dunkeld which is within the River Tay, Dunkeld NSA. However, it would appear that this was not requested during scoping / consultation. Other sensitive viewpoints within the ZTV could

have been included, for example from the Cateran Trail south of Bridge of Cally.

Landscape and Visual Baseline

- 197 The LVIA establishes the baseline in terms of existing landscape character and landscape designations, and baseline visual receptors including residential properties, transport routes and recreational trails, within the study area. Existing development including Drumderg Wind Farm is correctly included in the baseline assessment.
- 198 With regard to the landscape baseline, the LVIA focusses on landscape receptors within 10km, whilst including consideration of National Scenic Areas, Wild Land and the Cairngorms National Park within a wider study area at a distance of 10-35km from Saddle Hill. Reference is made to the HBF within the wider study area despite its representative alignment being illustrated as running between Blairgowrie and Alyth less than 10km from Saddle Hill. It is interesting to note that this alignment varies considerably from that shown within the ES for the Dulater Hill Wind Farm which illustrates it further north (and thus closer still to Saddle Hill). Both the Saddle Hill and Dulater Hill ESs indicated the HBF with a single line which bears little resemblance to the perception of a transitional change from lowland to highland in this area. The HBF landscape feature within the 2010 DTA study is more representative of the gradual change in landscape character within the *Highland Foothills* landscape character unit/area (LCA). Tullymurdoch Wind Farm would lie on the HBF as identified by DTA, with Drumderg and Saddle Hill located immediately to the north within a 2km sensitive visual buffer.
- 199 The LVIA refers to the relevant landscape character assessments. It concludes that the *Forest of Alyth* LCA within which Saddle Hill would be located is of medium landscape sensitivity where development would not significantly affect key landscape characteristics of the wider *Highland Summits and Plateaux* LCT (in particular its relative wildness and remoteness), and where the presence of Drumderg reduces sensitivity to further wind energy development (whilst recognising that over-capacity is an issue for consideration in the cumulative LVIA). The LVIA recognises that sensitivity is increased further to the south and east (within Angus) as a result of the higher sensitivity of Glenisla and the potential for further cumulative development at Tullymurdoch, located on the boundary with the *Highland Foothills*. This analysis is generally in line with the 2010 DTA report with regard to landscape sensitivity within PKC.
- 200 With regard to the visual baseline, the LVIA draws upon the ZTVs and viewpoint analysis to focus on the limited number of local receptors such as views from properties and core paths within a 5km study area; other receptors such as transport routes including the A93 National Tourist Route and Scottish Hill Tracks and Heritage Paths within 10km; and receptors of national importance including the Cateran Trail and National Cycle Route No. 77 between Perth and Dunkeld within a wider 10-35km study area. There are no recreational or tourist destinations within 10km in PKC that fall within the ZTV, although the hill walking summits of Hill of Alyth and Mount Blair are included in

the assessment. Views from the Kinnoull Hill and Ben Vrackie 'iconic viewpoints' are included in the wider study area.

- 201 The LVIA concludes that in terms of landscape capacity and susceptibility, the broad and simple landform, with coniferous forestry and a series of rounded hills on three sides of the application site, large scale landscape pattern, and limited settlement / visual receptors indicate a medium capacity for the proposed Saddle Hill Wind Farm. It suggests that this compares favourably with the DTA report which considers the *Forest of Alyth* to be of medium sensitivity and capable of accommodating a scheme comprising up to 20 turbines 120m to blade tip in addition to the existing Drumderg Wind Farm. However, the LVIA fails to mention that the DTA study stresses that this does not mean to say that the area is suitable for wind farm development of this scale – it has the potential to accommodate development in terms of landscape character subject to further landscape character assessment of impact on landmark landscape features, including the Highland Boundary Fault, and subject to assessment of visual sensitivity that considers views from principal tourist and amenity routes, including the A93, and cumulative landscape and visual effects.
- 202 Furthermore, the 2010 DTA study suggests that to limit visual impact from the A93 and A924 there is the potential for an extension of Drumderg or a new wind farm to the north of Drumderg if the Highland Boundary Fault is protected from intrusion. Saddle Hill Wind Farm would be located to the east of Drumderg and within the sensitive visual buffer extending 2km north of the HBF as identified within the DTA 2010 report.

Landscape Assessment, including Cumulative Landscape Effect

Assessment of Saddle Hill Wind Farm

- 203 The LVIA concludes that the addition of the Saddle Hill Wind Farm into a landscape already heavily influenced by Drumderg (operational) and with the potential addition of Tullymurdoch Wind Farm (consented), and being surrounded on three sides by coniferous forestry and a series of rounded hills, would lead to a significant adverse effect on the *Forest of Alyth* LCA within 2km of the proposed development, although the effect would not be significant in overall terms on the total area and overall integrity of this LCA or the wider *Highland Summits and Plateaux* LCT. Within 1km of the proposed turbines, affecting un-forested areas around Hill of Fernyhirst, there would be a change in the landscape character to that of a '*wind farm landscape*' where the turbines would appear as the dominant characteristic in common with other existing wind farms.
- 204 Saddle Hill Wind Farm would be located within the same LCA as Drumderg, helping to maintain the distinction between the *Forest of Alyth* LCA and the *Alyth Foothills* LCA (within the wider *Highland Foothills* LCT) immediately to the south. This issue was a consideration at the recent Tullymurdoch appeal since that wind farm would straddle the boundary between the two LCAs.

- 205 The Reporter into that appeal agreed with independent consultants advising SNH that Drumderg has a good landscape fit from the south, being located within a landscape of simple topography on a gently rounded hill that is not visually prominent. Any new wind farm should be compatible with Drumderg in its scale and design. In this location where the *Highland Foothills* acts as a transition the distinction between the highlands and lowlands along the HBF is not as obvious as it is further east around Kirriemuir. Consequently landscape and visual effects need to extend further than just the local scale to be significant.
- 206 The ZTV shows theoretical visibility of Saddle Hill Wind Farm extending south to the hill range north of Blairgowrie and Alyth (for example Hill of Alyth) at a distance of approximately 6.5km. Photomontages from Viewpoint 3 (Cateran Trail near Standing Stones), Viewpoint 6 (A93 near Mains of Mause) and Viewpoint 7 (Hill of Alyth) give an indication of how Saddle Hill Wind Farm might appear in the landscape, and its relationship with Drumderg, from distances of approximately 3.8km, 6.2km and 6.4km respectively. From these locations the wind farm would break the skyline where the mountains within the *Highland Summits and Plateaux* LCT may (or may not) to varying extent be perceived beyond. Conifer plantation within the Forest of Alyth in front (to the south) of the wind farm relates well to the plantations further south on the lower lying *Alyth Foothills* LCA. Landscape effect would be locally significant, with a greater effect on the *Highland Foothills* than on key characteristics of the *Highland Summits and Plateaux* LCT beyond, where significant effect of the development on the *Highland Foothills* LCT as a whole would be unlikely to be significant beyond approximately 5km distance where there would be a 'wind farm landscape' dominated by Drumderg, Saddle Hill and Tullymurdoch (and possibly Green Burn) (see below).
- 207 The majority of views at between 10-20km are from the south across the broad settled Strathmore valley and from the north-facing slopes of the Sidlaw Hills beyond. Viewpoint 15 (A94 east of Couper Angus), Viewpoint 20 (A94 near Burrelton) and Viewpoint 21 (A923 south of Coupar Angus) give an indication of how Saddle Hill Wind Farm might appear in the landscape, and its relationship with Drumderg, from distances of approximately 14.4km, 19km and 20.1km respectively. Although, as discussed in paragraph 25 above, it is considered that the images significantly underplay how the turbines would be actually perceived in the view, at these distances significant landscape effects would be unlikely. In the context of Drumderg Wind Farm and the settled *Strathmore Broad Valley Lowland* LCA the proposed wind farm would not substantially affect the perception of the character of the wider *Highland Summits and Plateaux* LCT. Consequently effect on the HBF is unlikely to be significant.
- 208 Within the wider study area, indirect effects on highly sensitive landscape characteristics of National Scenic Areas, Wild Land and the Cairngorms National Park are also unlikely to be significant, predominantly due to distance reducing the magnitude of change. It is noted that SNH has not referred to potential effects on any NSA or Wild Land.

Cumulative Landscape Assessment

- 209 Although there are a number of consented wind farms and single turbines, and other wind farm applications within the planning system close to Saddle Hill, the main consideration is potential cumulative impact with the operational Drumderg and the recently consented Tullymurdoch Wind Farm. Welton of Creuchies is a consented scheme of only four turbines located approximately 6km to the south, and likely to be perceived as a separate development to any Drumderg/Saddle Hill/Tullymurdoch wind farm cluster.
- 210 Much of the southern half of the *Forest of Alyth* LCA is significantly affected by Drumderg. The CLVIA suggests that with Tullymurdoch and Saddle Hill the area dominated by wind turbines (and thus a 'wind farm landscape') would not extend beyond approximately 1km. This would appear to underplay the combined effects of Drumderg, Tullymurdoch and Saddle Hill where the closest turbines would be approximately 1km apart and where in some views they would have the appearance of a combined cluster that would extend to an area approximately 5km square. An indication of this is seen in Viewpoint 7.
- 211 The CLVIA concludes that the addition of Saddle Hill with Drumderg and Tullymurdoch will not significantly affect the HBF due to its relatively less prominent skyline in this location. As referred to above, landscape and visual effects need to extend further than just the local scale to be significant; visibility of the proposed Saddle Hill Wind Farm in conjunction with the HBF would tend to occur at greater distances within Strathmore at approximately 15-20km, as illustrated in Viewpoints 15 and 20, from where effects are unlikely to be significant.

Visual Assessment including Cumulative Visual Effects

- 212 Of the nine viewpoints in PKC, the LVIA predicts significant visual effects at only Viewpoint 3 (Cateran Trail near Standing Stones) at a distance of 3.8km from the nearest turbine. The maximum distance where visual effects are predicted to be significant is approximately 5km to the east near Kiltry in Angus. Cumulative visual effects are predicted within approximately 6.8km as illustrated in Viewpoint 9 Mount Blair. However, the CLVIA predicts significant effects with Ark Hill Wind Farm from Viewpoint 19 Kinpurny Pictish Hill Fort on the north facing side of the Sidlaw Hills in Angus, at a distance of more than 18km.
- 213 A summary of visual effects in the LVIA, including cumulative effects, within PKC is as follows:
- No properties in PKC would be significantly affected by views of Saddle Hill Wind Farm (there would be significant effects on 24 properties in Angus within a 5km distance).
 - There would be significant cumulative visual effects on 7 properties in PKC ('Craighead', 'Tullymurdoch', 'The Corb', 'Burnside of Drimmie Farm Cottage', 'Burnside of Drimmie Farm', 'Drimmie Cottage' and 'The

Drimmie') (there would be significant cumulative effects on other properties in Angus);

- Visual effects on the A93 National Tourist Route are illustrated in Viewpoint 6 assessed in the LVIA as moderate (not significant) effect.
- Visual effects on the A94 are illustrated in Viewpoint 15 and Viewpoint 20 assessed in the LVIA as slight to slight/negligible (not significant) effect.
- The LVIA acknowledges that there would be significant effects on views from approximately a 5km length of the Catheran Trail within PKC between Mains of Creuchies and Cloquhat, as illustrated in Viewpoint 3 – this part of the trail is already affected by views of Drumderg, where the addition of Tullymurdoch and Saddle Hill would slightly increase cumulative visual effects.
- A 2-5km section of Scottish Hill Track 184 (Alyth to Glenshee) would experience significant effects where the route passes between Drumderg to the west and Tullymurdoch and Saddle Hill to the east, to within 200m of the nearest turbine, although existing forestry would provide some intervening screening – however, the proposed forestry felling is likely to open up views of some of the Saddle Hill turbines which would otherwise have been screened.
- The view from the local hill walking summit at Hill of Alyth at approximately 6.4km distance is illustrated in Viewpoint 7, where the magnitude of change is recorded as low with an overall moderate (not significant) visual effect; however it is considered that this downplays the likely effect - the addition of Saddle Hill will more than double the area affected by Drumderg with a medium magnitude of change and thus a moderate/substantial and significant effect.
- The view from the local hill walking summit at Mount Blair at 6.8km to the north is illustrated in Viewpoint 9, where the magnitude of change is recorded as medium to low with an overall moderate (not significant) visual effect; however, the CLVIA assesses the cumulative effect of Drumderg, Tullymurdoch and Saddle Hill as significant.
- The view from the highly sensitive 'iconic viewpoint' at Ben Vrackie at a distance of 25.5km is illustrated in Viewpoint 24, where the magnitude of change is recorded as negligible with an overall slight (not significant) visual effect; however, the CLVIA assesses the cumulative effect of Drumderg, Tullymurdoch and Saddle Hill as moderate to slight (remaining not significant).
- The view from the highly sensitive 'iconic viewpoint' at Kinnoull Hill at a distance of more than 33km is illustrated in Viewpoint 27, where the magnitude of change is recorded as negligible with an overall slight (not significant) visual effect.

214 A key landscape design objective within the Saddle Hill ES is to ensure design compatibility with Drumderg and Tullymurdoch Wind Farms. The LVIA suggests that:

- The design of the proposed Saddle Hill Wind Farm would be visually comparable and compatible with the Drumderg and Tullymurdoch Wind Farms in terms of the layout, number, scale / height, proportion and detailing;
- The design of the proposed Saddle Hill Wind Farm would also aim to create a simple and cohesive wind farm composition in its own right, the scale and number of which is compatible to the underlying landscape character;
- In this respect the overall scale of the development has been reduced considerably from the initial design and the physical relationship of the proposed Saddle Hill Wind Farm with the Drumderg and Tullymurdoch Wind Farms is one of a closely associated and visually comparable wind farm cluster that would avoid 'visual confusion' and limit significant visual effects to within 5km.

215 Table 1 above compares the dimensions of Saddle Hill with Drumderg, Tullymurdoch and Welton of Creuchies wind farms. This shows a strong correlation of Saddle Hill with the modified Tullymurdoch scheme and some similarities with Drumderg. However, Saddle Hill has a more complex, dispersed layout than Drumderg or Tullymurdoch, with turbines unevenly spaced in most views, often with outlying turbines away from the main cluster. Despite being located within a similar landscape as Drumderg, where landscape pattern has essentially a NW-SE grain where the ground falls to a number of minor burns running in this direction into Glen Isla, the topography around Saddle Hill is more complex. Locally the topography rises to a series of hill peaks, rising to a ridgeline comprising Black Hill, Saddle Hill and Hill of Fernyhirst, falling and rising again to minor peaks at Hill of Three Cairns and Hill of Craighead. This produces a visually complicated pattern, where the proportion of visible turbine towers and blades varies considerably, with overlapping blades in many viewpoints around the wind farm. The presence of forestry around the wind farm further confuses the image from some viewpoints. Furthermore, maximum turbine elevation on Black Hill is likely to create visual prominence which would draw the eye to the turbines.

216 This compares with the relatively simple, compact layout of Drumderg with turbines evenly spaced in most views, located within a simple domed landscape providing relatively consistent views of turbine towers and blades. Similarly, Welton of Creuchies wind farm has a simple, compact, evenly spaced layout.

217 In most of the viewpoint visualisations Tullymurdoch appears similar in design to Drumderg in terms of turbine density, its compact layout and similar landscape context within a relatively simple topography. Although 13m higher,

the height difference of Tullymurdoch is largely absorbed by its lower elevation compared to Drumderg such that the difference is not significant in most views.

- 218 In views from the south, Saddle Hill appears in-between and set back from Drumderg and Tullymurdoch, or as part of a cluster with Tullymurdoch. However, for the reasons given above the perception is of a poor image of wind farm development (as can be perceived from the wireframes since Tullymurdoch is not included in the photomontages). In some views, for example Viewpoint 7 from Hill of Alyth, all three schemes appear as a wind farm cluster but the different designs and image create visual confusion. This conflicts with SNHs Siting and Design Guidance, in particular those concerns repeated in paragraph 11 above.
- 219 The simplicity of the Tullymurdoch scheme, its separation from Drumderg and its lower elevation would be adversely affected when combined with Saddle Hill. A Tullymurdoch / Saddle Hill grouping would be over-dominant in many views. Furthermore, Saddle Hill wind farm would close the gap between Drumderg and Tullymurdoch from Viewpoint 6: A93 near Mains of Mause (see Wireframe Figure 8.30a). See also Green Burn Viewpoint 12: South of Bridge of Cally Panorama with Cumulative Wireline (view 1 of 4). Saddle Hill would also close the gap between Welton of Creuchies and Tullymurdoch as seen in Viewpoint 20: A94 near Burrelton. See also Green Burn Viewpoint 10: Burrelton Panorama with Cumulative Wireline (view 1 of 4).
- 220 In views from the north, Saddle Hill will be closer to the view. The wireline view from Mount Blair (Viewpoint 9) indicates substantial cumulative effect (as recorded in the CLVIA, but the accompanying photomontage only illustrates half the view). The assessment predicts a low magnitude of change in the view from Meall Odhar (Viewpoint 14) but it is considered that this downplays the likely impact of Saddle Hill which would extend the proportion of wind farm development in the view considerably. It is considered that the magnitude of change is likely to be medium resulting in a moderate / substantial and significant effect.

Supplementary Environmental Information (SEI), January 2016: Review of Forestry Restructuring Proposals

- 221 It is noted that FCS objected to the development in January 2015 because the ES did not include enough information about the site's forestry interest to allow FCS to determine whether the proposals are appropriate. Whilst the applicant acknowledges the potential loss of woodland area and is proposing to carry out compensation planting to mitigate the loss, FCS advises that tree felling should be avoided and offsite compensation planting should be a last resort. As mentioned above, this is of relevance since landscape and visual impact of tree felling can be significant whilst measures to reduce felling, such as increased turbine heights, can have wider landscape and visual effects.
- 222 Tilhill Forestry provided SEI in January 2016 to address FCSs concerns. The new proposal reduces the felling area to the removal of 55ha from part of Whincraigie Forest, restocking with short rotation species to a maximum height

of 10m above ground level, and 15ha of compensation planting (following construction of the wind farm) within areas felled to make way for the site access road (11ha), around the turbine bases (replanting of 50m buffer areas) and at the location of a borrow pit (totalling 4ha).

223 At paragraph 2.1.4 of the SEI, Tilhill Forestry state that:

“...Whincraigie forest is difficult to distinguish in the landscape and is not visible from much of the A93...Thus, the Whincraigie forest is barely visible at all and certainly not prominent in the landscape.”

224 However, the forest is very distinguishable in views from the CATERAN Trail, as shown in Viewpoint 3 where an existing ride through the forest provides a conspicuous notch on the skyline (this image is reproduced on the front cover of the ES Volume 3 Figures), drawing the eye in this direction (and consequently in the direction of Saddle Hill Wind Farm). In Viewpoint 6 the forest is seen on the skyline from the A93.

225 Removal of forestry as proposed in the SEI has the potential to open up some views of the wind farm from the west, in particular close views from the Alyth to Glenshee Scottish Hill Track No. 184. However, the Saddle Hill turbines will be screened in views from the A93 to the west, predominantly by Hill of Kingseat and Hill of Ashmore. In more distant views from the west, Saddle Hill would be seen behind the existing Drumderg turbines.

226 Forestry removal is likely to be more evident and open up views of Saddle Hill Wind Farm from the east within Angus, where not screened by local topography such as Hill of Fernyhirst. Viewpoint 5 from Knock of Formal indicates such a view.

Independent Landscape Consultant Conclusion.

227 The ES's three design objectives have not been achieved.

- The design of the proposed Saddle Hill Wind Farm would **not** be visually comparable and **would not be** compatible with the Drumderg and Tullymurdoch Wind Farms primarily in terms of its layout.
- The design of the proposed Saddle Hill Wind Farm would **not** create a simple and cohesive wind farm composition in its own right.
- The physical relationship of the proposed Saddle Hill Wind Farm with the Drumderg and Tullymurdoch Wind Farms is **not** one of a closely associated and visually comparable wind farm cluster; **there would be visual confusion** and **significant cumulative effects would extend approximately 12km within Perth and Kinross** (18km from Viewpoint 19 Kinpurny Pictish Hill Fort on the north facing side of the Sidlaw Hills in Angus, as recorded in the CLVIA).

Scottish Natural Heritages Landscape Advice

- 228 SNH also reinforce the concerns expressed by the Council's landscape consultant . They advise, "this proposal would create a confusing pattern of wind farm development on the Highland Boundary Fault, which is not a good fit with the existing Drumderg and consented Tullymurdoch wind farms. It would also result in significant adverse cumulative landscape and visual impacts upon, landscape character, views and recreational amenity of walkers on the hills and mountains along and to the north of the Highland Boundary, including the Ceteran trail and views and visual amenity of residents and visitors in Glen Isla, Strathmore and the Sidlaws".
- 229 Taking account of the advice provided by SNH and the Council's landscape consultant I conclude that 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 including the Highland Boundary Fault. Furthermore, the scheme will have unacceptable visual impacts and unacceptable cumulative landscape and visual impact on residential, recreational and tourist receptors. Accordingly the proposal is contrary to Policy 3 and Policy 6 of TAYplan as well as Policy ER1A and Policy ER6 of the Perth and Kinross Local Development Plan 2014.

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

- 230 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 35MW. A wind farm's predicted 'capacity factor' is the percentage of its maximum output that is expected to be generated during its operational lifetime. A 100% capacity factor would mean that the wind turbines were generating their maximum output all the time. This would require constant high wind speeds all year round. In reality, the wind speed fluctuates but is sufficiently strong for wind turbines to generate electricity most of the time at, or below, their maximum possible output.
- 231 The applicant has used a 28% capacity factor (the Scottish mean for 2000 to 2012 from the Historic Regional Statistics: 2012 Regional Data). Using this figure that applicant confirms this would generate 85,848 MWh of electricity per year and would produce the equivalent electricity as used by 20,105 households, based on an average usage of 4.27MWh per UK household.
- 232 With regards to emissions the wind farm would avoid the emission of approximately 52,109 tonnes of CO2 per year, presuming savings of 607g/kWh. Taking account of manufacture, construction and decommissioning of the windfarm the payback period has been calculated between 0.5 years and 1.9years.
- 233 I acknowledge the scheme 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.

- 234 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.

Outdoor Access

- 235 Outdoor Access has now been 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, local authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access.
- 236 Although there are no Rights of Way within or through the site, there is Scottish Hill track 184 Alyth to Glenshee to the Western proportion of the site in Perth and Kinross and the Cateran Trail/core path to the east proportion of the site in Angus.
- 237 Consultation with Community Greenspace confirms that good practice would 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. Community Greenspace wish to see and approve the detailed scheme regarding facilitating public access both during and after construction which can be controlled by condition.

Economic benefits

- 238 In terms of the wider economy, the economic benefits associated with the windfarms are detailed in the applicant's submission. This highlights that jobs will be created during the construction, operation and decommissioning of the windfarm.
- 239 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.
- 240 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*.

- 241 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.
- 242 Overall, based on the findings earlier in this assessment the adverse effects on environmental quality and landscape are of such weight to tip this balance sufficiently towards refusal of the application.

LEGAL AGREEMENTS

- 243 None required.

DIRECTION BY SCOTTISH MINISTERS

- 244 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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

- 245 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 including the adjoining planning authority, relevant appeal decisions in western Perthshire along with representations made both in support and in opposition to the proposal.
- 246 There are no overriding problems in relation to bio-diversity interests for the area if conditioned. 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 would occur but these have to be offset against the presence of the windfarm. However, there are significant and unacceptable adverse landscape and visual impacts from the scheme on its own and cumulatively. There are also adverse impacts on the setting of Scheduled Ancient Monuments.
- 247 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 Perth and Kinross Local Development Plan 2014.
- 248 While there is considerable support in the Scottish Planning Policy for this form of development this support is not unconditional, paragraph 187 makes it clear

that environmental and cumulative impacts must be addressed. Taking account of the other applicable material considerations I find none of significant weight that would lead to a different conclusion. Accordingly the application is recommended for refusal.

RECOMMENDATION

A REFUSE 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, including cumulative landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
- 2 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
- 3 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 Eastern Perthshire, contrary to policy PM1A of the Perth and Kinross Development Local Development Plan 2014.
- 4 The application is contrary to policy HE1A of Perth and Kinross Local Development Plan 2014 as the setting of scheduled ancient monuments, Redlatches, settlement and field system 1900m SSE of (index no. 4640), Redlatches, settlement and field system 1900m S of (index no. 4673) and Craighead, settlement and field system 900m N of (index no. 5581) are compromised.

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: 502 letters of representation
Contact Officer: John Russell – Ext 75346
Date: 28 April 2016

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.