

**TCP/11/16(199)**

**Planning Application 12/00734/FLL – Erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000039035-003

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Mint Energy (Scotland) Ltd

Ref. Number:

First Name: \*

Kirstin

Last Name: \*

Gardner

Telephone Number: \*

01577 898 220

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

[planning@mint-energy.co.uk](mailto:planning@mint-energy.co.uk)

You must enter a Building Name or Number, or both:\*

Building Name:

Station House

Building Number:

Address 1 (Street): \*

South Street

Address 2:

Town/City: \*

Milnathort

Country: \*

UK

Postcode: \*

KY13 9XB

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: \*

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:\*

Building Name:

Bloomfield

Building Number:

Address 1 (Street): \*

West Netherton

Address 2:

Town/City: \*

Milnathort

Country: \*

Kinross

Postcode: \*

KY13 0SB

## Site Address Details

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

706441

Easting

312973

## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Installation of two C&F Green Energy 20kw wind turbines on 15m masts in order to generate electricity.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

As the proposed turbines will not significantly impact existing visual and residential amenity in the local area, the development is not contrary to Policy 2 of the Kinross Area Local Plan 2004. Furthermore, the development will not set a precedent for similar development, indeed, similar developments already exist in the area suggesting that precedent has already been established.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Review Statement  
Location Plan  
Site Plan  
Elevation Drawing  
Noise Information  
Visual Assessment

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

12/00734/FLL

What date was the application submitted to the planning authority? \*

20/04/12

Has a decision been made by the planning authority? \*

☒ Yes ☐ No

What date was the decision issued by the planning authority? \*

18/06/12

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Kirstin Gardner

Declaration Date: 06/07/2012

Submission Date: 06/07/2012



## **Supporting Statement**

### **Review of Application 12/00734/FLL**

**Reference** 12/00734/FLL

**Proposal** Erection of 2 wind turbines

**Address** Bloomfield, West Netherton, Milnathort, Kinross, KY13 0SB

The following statement supports the request for the review of application 12/00734/FLL for the installation of two 20kw wind turbines, which was refused consent on 18<sup>th</sup> June, 2012.

The proposed wind turbine development was refused due to a perceived conflict with Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing visual and residential amenity from new developments within the landward area. In addition, the application was refused in order to prevent the creation of a precedent for similar sized developments in the local area.

Proposal 12/00734/FLL applied for consent to erect two small scale wind turbines, measuring 21.97m to blade tip, on grazing land approximately 250m and 320m to the northwest of Bloomfield. The land is situated approximately 810m to the northwest of the M90, 880m to the northwest of the B996 approach to Milnathort. The wind turbines are to be situated on the slope of the grounds extending to the rear of the Bloomfield property, positioned in order to optimise predominant south-westerly winds. The development will generate green electricity to feed into the national grid, offset electricity consumption at Bloomfield, and contribute to the Scottish Government target for renewable sources to generate the equivalent of 100% of Scotland's gross annual electricity consumption by 2020.

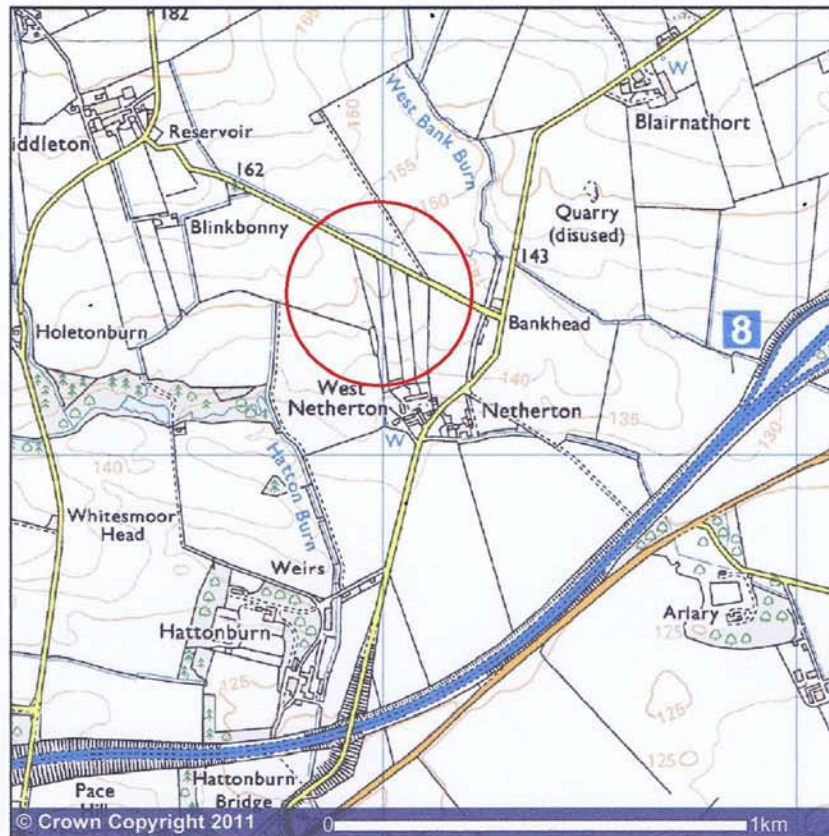
We would argue that concerns about the impact of the wind turbines on visual amenity for existing residents and visitors, as well as residential amenity of existing residential properties, are disproportionate. The Bloomfield wind turbines will not have an unacceptable visual impact on the local landscape. Supporting visualisations submitted with the application demonstrate that nearby tourist destinations (such as the banks of Loch Leven and Burleigh Castle) would have little or no view of the proposed development. Further photographic evidence demonstrates that the turbines will not dominate views from local residences, whose principal views are south and not north facing, and for the most part, do not have direct line-of-sight to the development area. Also, the scale and appearance of the turbines will not be out of context with the surrounding landscape due to existing mature tree growth, pylons and the large agricultural shed situated in a nearby field to the east of the development site.

Closing points of the refusal state that the proposal would set an undesirable precedent for similar developments in the area. This argument is clearly unfounded as a precedent for similar sized developments has already been established in the area. We are aware of at least eight operational or approved small scale wind turbine developments of a comparable size within 10km radius of the Bloomfield Development site.



Regional and national guidance encourages renewable energy development such as the Bloomfield proposal. The wind turbine development 12/00734/FLL will reduce the carbon footprint of the Bloomfield residents and contribute to Scotland's renewable energy targets – increased as recently as 18<sup>th</sup> May 2012. The development will not have a negative impact on the surrounding landscape, and is in keeping in scale and style with other wind energy developments – operational and approved – in the local area.





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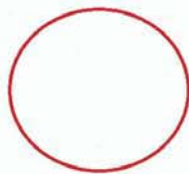
Scale 1 : 25,000

Drawing Size A4

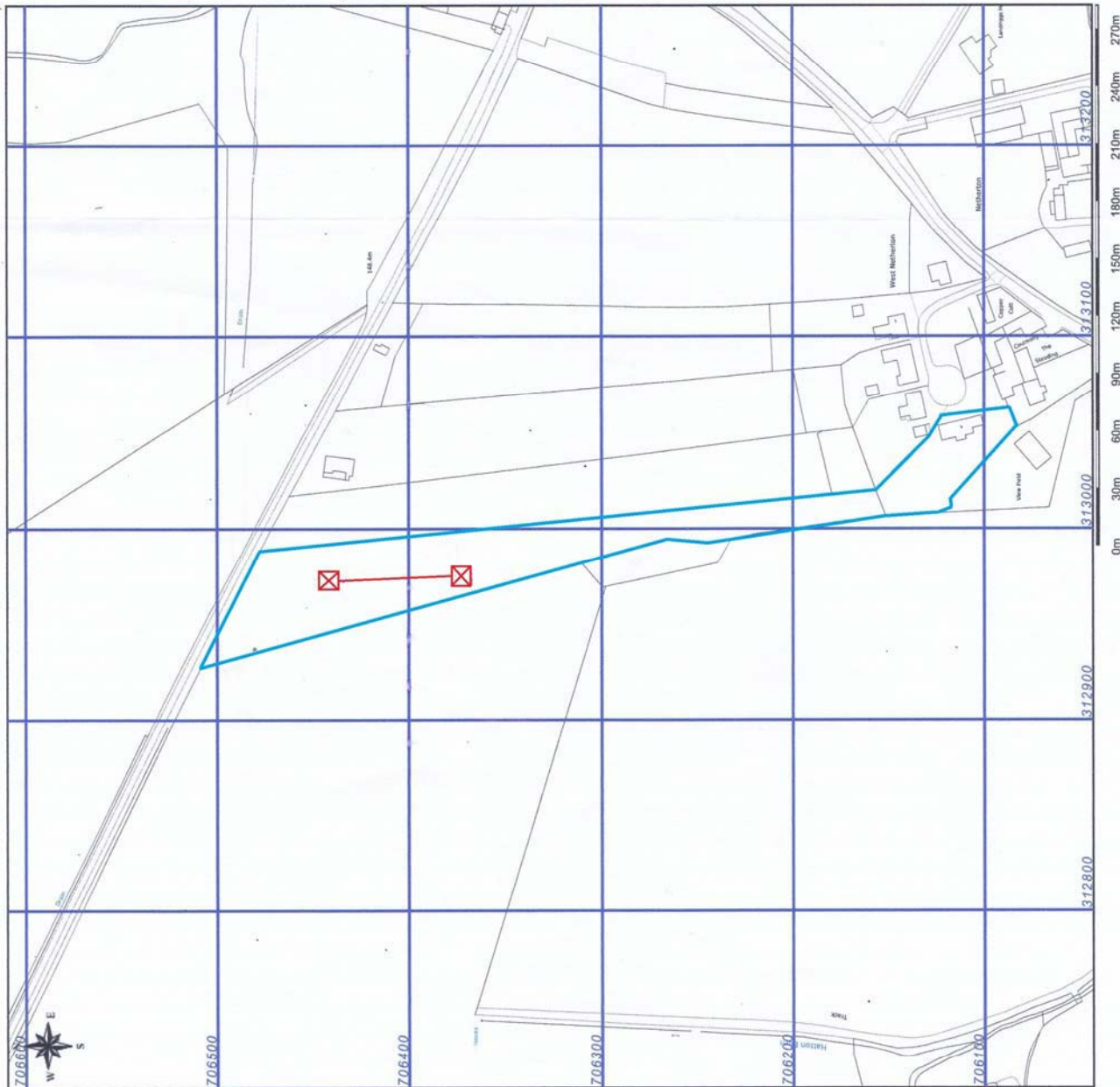
Image produced from Ordnance Survey's Get-a-map service.  
Image reproduced with permission of Ordnance Survey and  
Ordnance Survey of Northern Ireland.

Proposal to install two C&F Green Energy 20kw wind turbines on 15m masts

BLOOMFIELD  
WEST NETHERTON  
MILNATHORT  
KY13 0SB



Proposed Site Location



Proposal to install two C&F Green Energy 20kw wind turbines on 15m masts

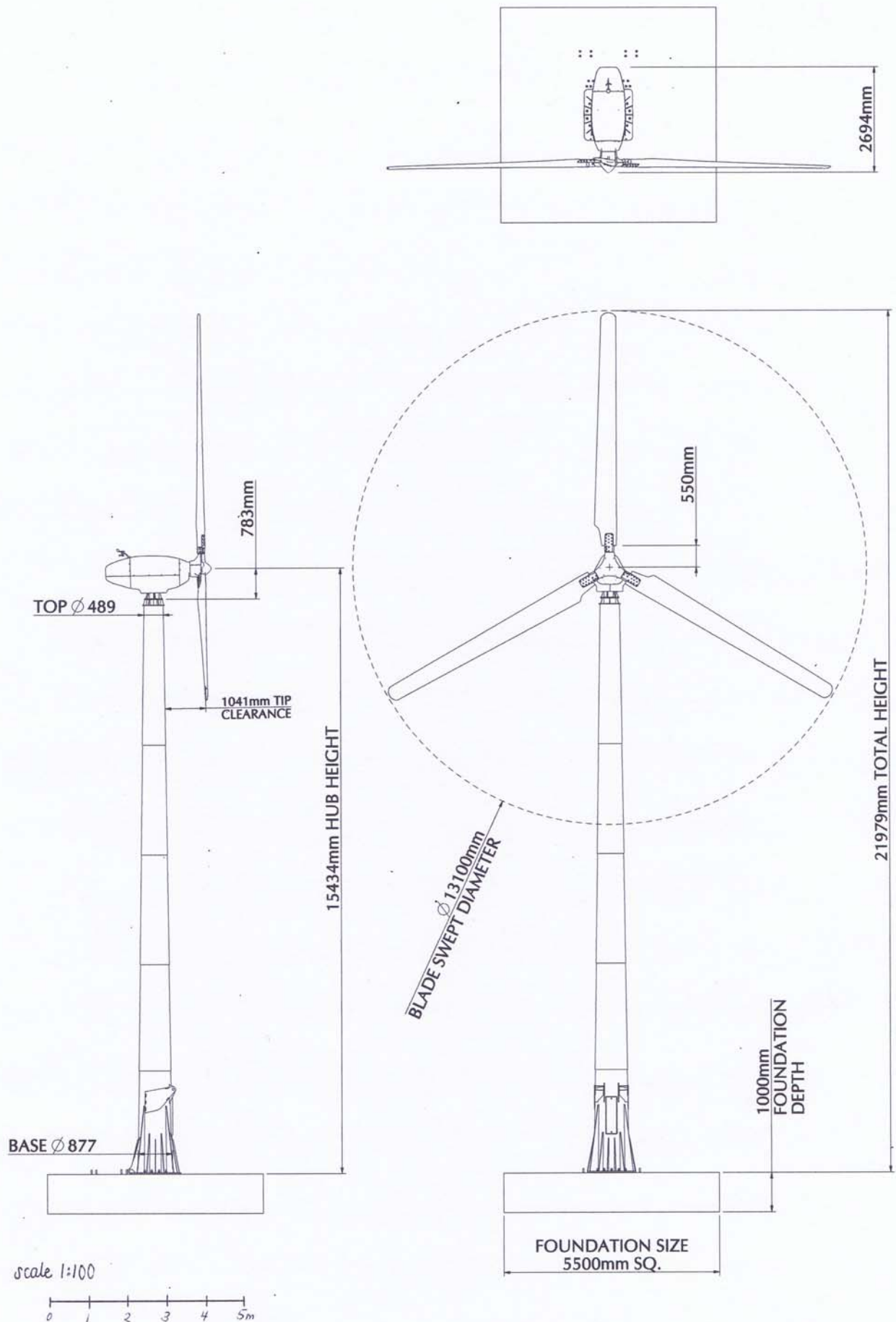
Bloomfield  
West Netherton  
Milnathort  
KY13 0SB

☒ Proposed Turbine Location  
1. 312973, 706441  
2. 312975, 706372

— Land Ownership Boundary

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Scale: 1:2500, paper size: A3



OVERALL DIMENSIONS FOR CF20 TURBINE:  
20kW GENERATOR / 15m MAST / 6m BLADES

<b>C&amp;F Green-Energy</b>		<b>CF20_15MAST</b> All Dimensions in mm	
DESCRIPTION:	OVERALLS / PLANNING		QTY PER UNIT: -
MATERIAL:	Mast: S275 Galv		SCALE: 1:100
DRAWN:	C O'Neill	PAINT:	-
CHECKED:	-	FINISH:	-
DATE:	16-Feb-11	SHEET:	1 OF 1
		DWG SIZE: A3	





## Project Update:

Intertek

### Acoustics performance: C&F Green Energy, Ireland – CF20

#### Small Wind Turbine Testing, Ireland

This note provides a brief summary of the acoustics performance of a CF20 (20kW) turbine installed at C&F Green Energy's own test site in Southern Ireland. All test work has been supervised by Intertek staff from the UK (Leatherhead and Milton Keynes) and the Intertek Small Wind Team based in Cortland, NY, USA.

The scope of the work covers the following standards:

*BWEA Small Wind Turbine Performance and Safety Standard. 29 Feb 2008*

*61400-11 Wind turbine generator systems –Part 11:Acoustic noise measurement techniques Second edition + Am 1 Nov 2006*

**All test results reproduced here are subject to review and final sign off by the Intertek Small Wind Team in Cortland, NY, USA.**

#### 1) Acoustic Test Results

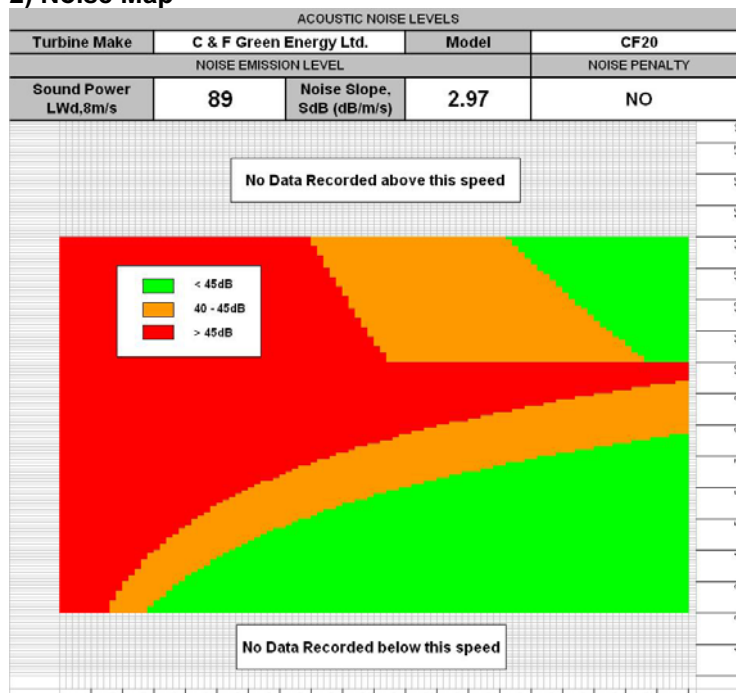
This is a summary the evaluation of the CF20 wind turbine noise over a range of wind speeds and directions. Characterizations of the turbines apparent sound power level, 1/3 octave bands, and tonality are made.

Acoustic noise data was gathered on three separate days in the months of January 2012. Meteorological and wind turbine data has been gathered continuously since commissioning of the CF20 on February 9th, 2011.

The resulting acoustic performance for normal operation in accordance with the BWEA standard is as follows:

Wind speed dependence	2.97 dB/m/s
Imission Sound Pressure Level at 60m Lp60	45 dBA
Imission Sound Pressure Level at 25m Lp25	53 dBA

#### 2) Noise Map



## Project Update:

**Intertek**

**Acoustics performance:  
C&F Green Energy, Ireland – CF20**

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### About Intertek

Intertek is a leading provider of quality and safety solutions serving a wide range of industries around the world. From auditing and inspection, to testing, quality assurance and certification, Intertek people are dedicated to adding value to customers' products and processes, supporting their success in the global marketplace. Intertek has the expertise, resources and global reach to support its customers through its network of more than 1,000 laboratories and offices and 30,000 people in over 100 countries around the world. Intertek Group plc (LSE: ITRK) is listed on the London Stock Exchange and is a constituent of the FTSE 100 index. Visit: [www.intertek.com](http://www.intertek.com)

For further details please contact: Kevin Sweeney, Business Development Director, Intertek  
[kevin.sweeney@intertek.com](mailto:kevin.sweeney@intertek.com)  
Mobile: +44 7879 600191

**Intertek**

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### About C&F

C&F Manufacturing Group is a leading indigenous manufacturing company which is owned and managed by John Flaherty, the 2008 Ernst & Young Entrepreneur of the Year. C&F Tooling was established in 1989 and is now a global sub-supply partner and solutions provider in the sheet metal industry. The C&F Manufacturing Group employs over 1100 people worldwide (Germany, Czech Republic, the Philippines & China) and 500 people in Athenry and Mullingar (Iralco). C&F Manufacturing Group operates in an number of sectors including tool design/manufacturing, automotive (Iralco), refrigeration (mobile and fixed), IT hardware and renewable energy.

C&F Green Energy Limited was established within the C&F Manufacturing Group in 2006 when the company identified that the market for small wind turbines was well-matched with its core competencies. Since then, considerable development work was undertaken by the company resulting in a new range of free-standing small wind turbines for generation of home-produced electricity, ranging from 6kw to 50kw. The company already has a number of orders for the home UK and European market.

For further details please contact: Dermot Young, New Business Manager, C&F Tooling  
[dermot.young@cftooling.ie](mailto:dermot.young@cftooling.ie)  
Tel: +353 91 790868







## **VISUAL IMPACT ASSESSMENT**



**INSTALLATION OF TWO 20KW WIND TURBINES ON 15M MASTS  
BLOOMFIELD, WEST NETHERTON, MILNATHORT, KY13 0SB**

## Visualisations for Bloomfield Wind Turbine Project

<b>Proposal</b>	Erection of two 20kw wind turbines on 15m masts
<b>Address</b>	Bloomfield, West Netherton, Milnathort, KY13 0SB

### **Statement of Objective**

This report has been compiled in order to provide visualisations of the proposed wind turbine installation at Bloomfield, West Netherton.

There are two sections to this visual assessment. The first section presents photomontage images from viewpoints that have been selected to demonstrate the impact of the proposed wind turbines at local points of interest where the ZTV indicates that the machines are likely to be visible. These viewpoints are at Burleigh Castle, along the public walking path by Loch Leven, and on the B996. The B996 viewpoint has been chosen to demonstrate the impact the proposed turbines will have when viewed from the M90. As shown by the ZTV, the machines will not be visible from the M90 to the north. From the south, as seen from the photomontage, the machines will only be visible to those looking directly at the installation site. As a result, it is unlikely that the turbines will be seen unless by a passer-by with prior knowledge of the installation. At no point will the machines be in full view from a car windscreen on the M90.

The second section of the visual assessment demonstrates the projected visual impact of the wind turbines in the immediate vicinity of the development site. Two photomontage images have been provided from the unclassified public roads to the southeast and east of the installation site. These photomontage images show that the turbines will not be of an incongruous height due to the existing agricultural shed to the east of the development site, as well as the number of trees and pylons in the proximity.

Viewpoints C, D and E have been positioned within the grounds of the Applicant's land. Viewpoint C looks towards the turbines from the far end of the Bloomfield garden and shows how the installation would appear if each resident in the West Netherton housing development had an unimpeded view of the machines. However, Viewpoints D and E demonstrate that the north facing views of the houses neighbouring the Bloomfield residence will not have direct views of the proposed turbine installation. Views from the majority of these gardens will not be possible due to the mature tree and foliage growth bordering the end of each garden. Therefore, the proposed installation of two 20kw wind turbines will not have a significant impact on the visual amenity of the West Netherton housing development.

<b>Equipment Specifications</b>	Sony SLT-A35
<b>Camera Settings</b>	<ul style="list-style-type: none"> <li>• f/5</li> <li>• ISO - 400</li> </ul>
<b>Lens Height from Ground</b>	Approximately 1.5m
<b>Software</b>	WindPRO 2.7
<b>Index</b>	
<b>Page 2</b>	OS Extract ZTV
<b>Section 1 - Local Points of Interest</b>	
<b>Page 3</b>	OS Extract Map indicating viewpoints for photomontage images
<b>Page 4</b>	Position A Photomontage
<b>Page 5</b>	Position B Photomontage
<b>Page 6</b>	Position C Photomontage
<b>Section 2 - Neighbouring Views</b>	
<b>Page 8</b>	OS Extract Map indicating viewpoints for photomontage images
<b>Page 9</b>	Position A Photomontage
<b>Page 10</b>	Position B Photomontage
<b>Page 11</b>	Position C Photomontage
<b>Page 12</b>	Position D - View from installation site
<b>Page 13</b>	Position E - View across neighbouring gardens



**Calculation: Revised Position - Bloomfield CF20 on 15m**



0 250 500 750 1000m

Map: , Print scale 1:20,000, Map center British National Grid (AIRY) East: 313,163 North: 705,138

 New WTG

✖ Camera



Project:  
**Koziel, Bloomfield**

WindPRO version 2.7.490 Sep 2011

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13/04/2012 15:36 / 1

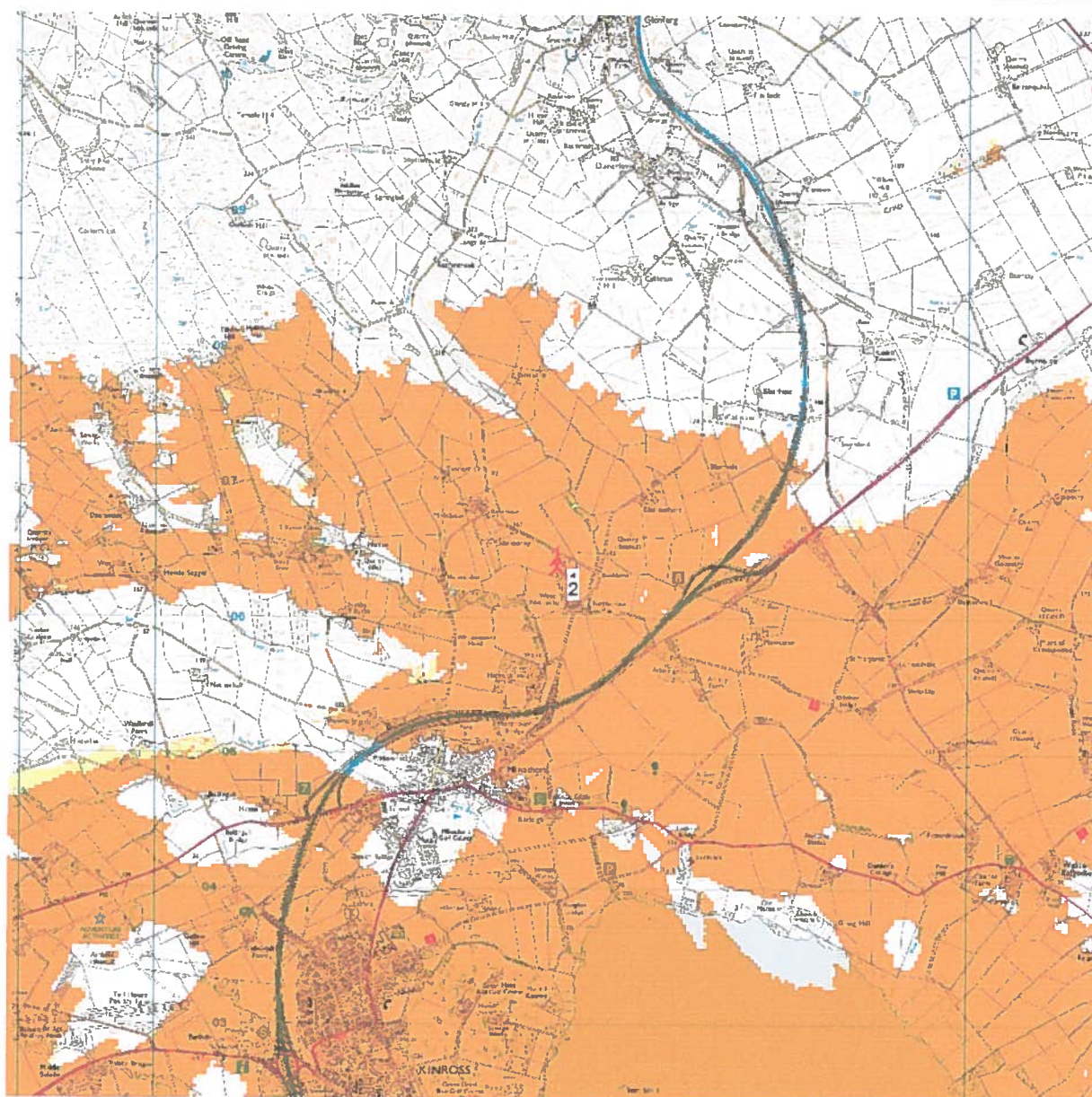


Licensed user:  
**Mint Energy (Scotland) Ltd**  
Station House South Street  
GB-MILNATHORT KY13 9XB  
+44 1577 865 910  
Kirstin Gardner / k.gardner@mint-energy.co.uk  
Calculated:  
13/04/2012 15:36/2.7.490

## ZVI - Map

Calculation: ZTV

WTGs visible



0 500 1000 1500 2000 m

Map: , Print scale 1:50,000, Map center British National Grid (AIRY) East: 313,047 North: 706,456

New WTG



Valid	Manufact.	Type-generator	Power, rated	Rotor diameter	Hub height	Distance
1 New	No	C&F	CF20-20	[kW]	[m]	[m]
2 New	No	C&F	CF20-20	20	13.1	1,860
			20	13.1	15.4	1,791

**Recommended observation distance: 18 cm**

Photo exposed: 30/11/2011 11:35:00  
Lens: 27 mm Film: 35x26 mm Pixels: 4320x3240  
Eye point: British National Grid (AIRY) East: 312,909 North: 704,582  
Wind direction: 0° Direction of photo: 359°  
Software: WindPRO version 2.7.490 Sep 2011  
Photo desc.: A Photomontage 1





oziel, Bloomfield

	Valid	Manufact.	Type-generator	Power, rated	Rotor diameter	Hub height	Distance
1	New	No	C&F	20	13.1	15.4	2,625
2	New	No	C&F	20	13.1	15.4	2,556

**Recommended observation distance: 19 cm**

Photo exposed: 30/11/2011 12:01:00  
Lens: 28 mm Film: 35x26 mm Pixels: 4320x3240  
Eye point: British National Grid (AIRY) East: 313,240 North: 703,830  
Wind direction: 0° Direction of photo: 350°  
Software: WindPRO version 2.7.490 Sep 2011  
Photo desc.: B Photomontage 2

Created by:  
Mint Energy (Scotland) Ltd  
Station House South Street  
GB-MILNATHORT KY13 9XB  
+44 1577 865 910  
Kirsin Gardner / k.gardner@mint-energy.co.uk



Valid	Manufact.	Type-generator	Power, rated	Rotor diameter	Hub height	Distance
1 New	No	C&F	CF20-20	20	13.1	15.4
2 New	No	C&F	CF20-20	20	13.1	15.4

Recommended observation distance: 19 cm

Photo exposed: 30/11/2011 11:41:00  
Lens: 27 mm Film: 35x26 mm Pixels: 4320x3240  
Eye point: British National Grid (AIRY) East: 313,179 North: 705,375  
Wind direction: 0° Direction of photo: 345°  
Software: WindPRO version 2.7.490 Sep 2011  
Photo desc.: C Photomontage 4



Project:  
**Koziel, Bloomfield**

WindPRO version 2.7.490 Sep 2011

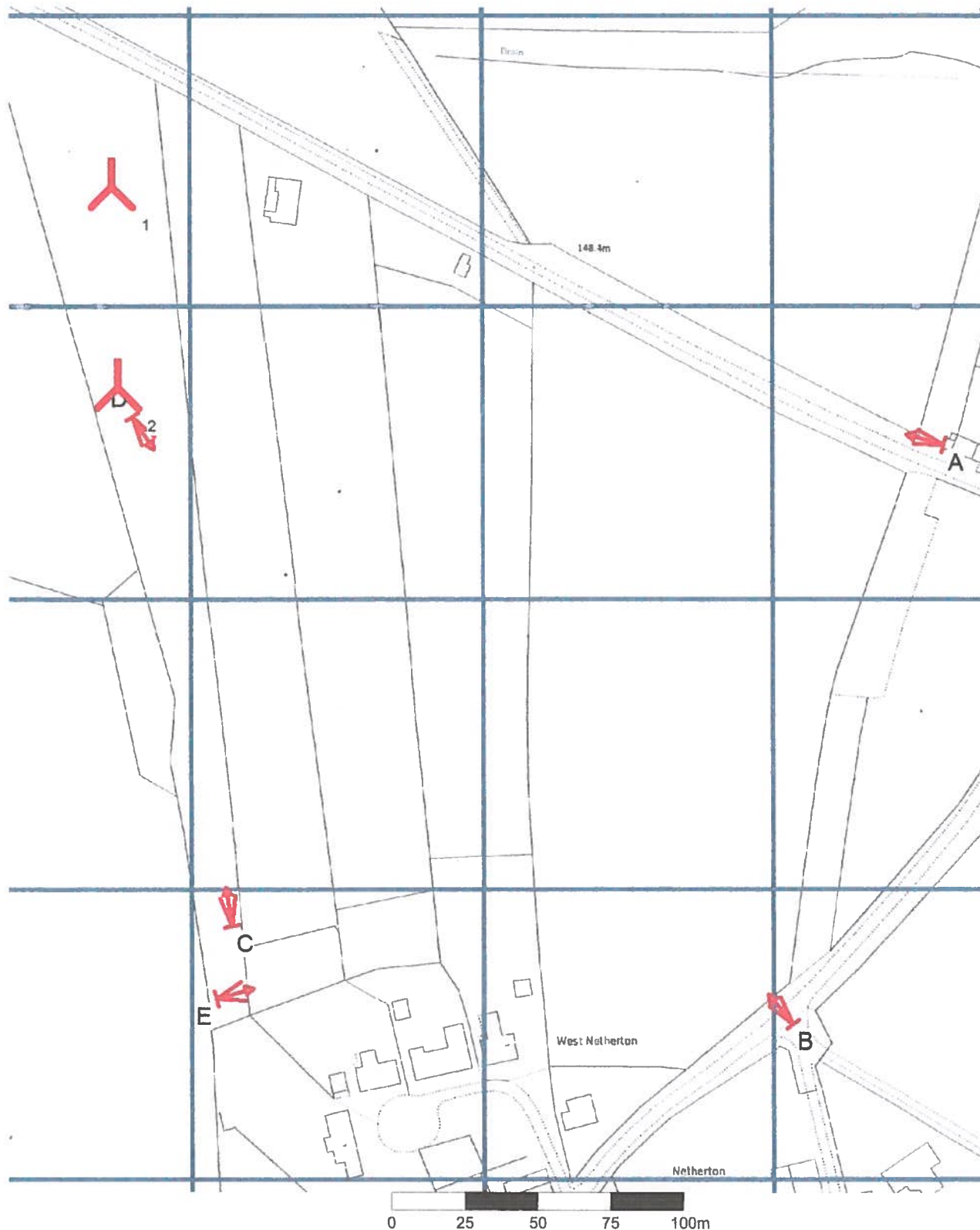
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13/04/2012 14:36 / 1



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+44 1577 865 910  
Kirstin Gardner / k.gardner@mint-energy.co.uk  
Calculated:  
13/04/2012 14:36/2.7.490

## VISUAL - Map

Calculation: Copy of Bloomfield CF20s on 15m mast



New WTG

Map: A3 Map , Print scale 1:2,000, Map center British National Grid (AIRY) East: 313,205 North: 706,300  
 Camera





id: ziel, Bloomfield

Valid	Manufact.	Type-generator	Power, rated	Rotor diameter	Hub height	Distance
1 New	No	C&F	20	13.1	15.4	300
2 New	No	C&F	20	13.1	15.4	285

Recommended observation distance: 51 cm

Photo exposed: 04/04/2012 10:26:00

Lens: 69 mm Film: 36x24 mm Pixels: 4912x3264

Eye point: British National Grid (AIRY) East: 313,259 North: 706,352

Wind direction: 0° Direction of photo: 281°

Software: WindPRO version 2.7.490 Sep 2011

Photo desc.: A Position 1

Created by:

Mint Energy (Scotland) Ltd

Station House South Street

GB-MILNATHORT KY13 9XB

+44 1577 865 910

Kirstin Gardner / k.gardner@mint-energy.co.uk





**Recommended observation distance: 41 cm**

Photo exposed: 06/02/2012 16:34:00

Lens: 54 mm Film: 38x21 mm Pixels: 4320x2432

Eye point: British National Grid (AIRY) East: 313,009 North: 706,162

Wind direction: 0° Direction of photo: 17°

Software: WindPRO version 2.7.490 Sep 2011

Photo desc.: E View across neighbouring gardens

Created by:

Mint Energy (Scotland) Ltd

Station House South Street

GB-MILNATHORT KY13 9XB

+44 1577 865 910

Kirstin Gardner / k.gardner@mint-energy.co.uk





Valid		Manufact.	Type-generator	Power, rated	Rotor diameter	Hub height	Distance
1	New	No	C&F	[kW]	[m]	[m]	[m]
2	New	No	C&F	20	13.1	15.4	371
				20	13.1	15.4	319

**Recommended observation distance: 52 cm**

Photo exposed: 04/04/2012 10:28:00  
Lens: 70 mm Film: 36x24 mm Pixels: 4912x3264  
Eye point: British National Grid (AIRY) East: 313,207 North: 706,153  
Wind direction: 0° Direction of photo: 311°  
Software: WindPRO version 2.7.490 Sep 2011  
Photo desc.: B Position 2





at  
ziel, Bloomfield

Valid		Manufact.	Type-generator	Power, rated	Rotor diameter	Hub height	Distance
1 New	No	C&F	CF20-20	[kW]	[m]	[m]	[m]
2 New	No	C&F	CF20-20	20	13.1	15.4	257
				20	13.1	15.4	189

**Recommended observation distance: 49 cm**

Photo exposed: 04/04/2012 10:02:00  
Lens: 67 mm Film: 36x24 mm Pixels: 4912x3264  
Eye point: British National Grid (AIRY) East: 313,014 North: 706,187  
Wind direction: 0° Direction of photo: 334°  
Software: WindPRO version 2.7.490 Sep 2011  
Photo desc.: C Position 3

Created by:  
Mint Energy (Scotland) Ltd  
Station House South Street  
GB-MILNATHORT KY13 9XB  
+44 1577 865 910  
Kirsin Gardner / k.gardner@mint-energy.co.uk





\*  
iel, Bloomfield

**Recommended observation distance: 53 cm**

Photo exposed: 04/04/2012 09:57:00

Lens: 71 mm Film: 36x24 mm Pixels: 4912x3264

Eye point: British National Grid (AIRY) East: 312,980 North: 706,362

Wind direction: 0° Direction of photo: 162°

Software: WindPRO version 2.7.490 Sep 2011

Photo desc.: D View from Development Site

Created by:

Mint Energy (Scotland) Ltd

Station House South Street

GB-MILNATHORT KY13 9XB

+44 1577 865 910

Kirstin Gardner / k.gardner@mint-energy.co.uk



**TCP/11/16(199)**

**Planning Application 12/00734/FLL – Erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENTS** (part included in applicant's submission, see pages 233-235 and 237-251)





# PERTH AND KINROSS COUNCIL

Windtek Limited  
c/o Mint Energy (Scotland) Ltd  
FAO Kirstin Gardner  
Station House  
South Street  
Milnathort  
KY13 9XB

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 18th June 2012

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00734/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 17th May 2012 for permission for **Erection of 2 wind turbines Bloomfield West Netherton Milnathort Kinross KY13 0SB** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the proposed turbines will have an adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing (visual) amenity from new developments within the landward area.
2. As the proposed turbines will potentially have an adverse impact on the residential amenity of existing residential properties (by virtue of the turbines appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing (residential) amenity from new developments within the landward area.

3. The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which merit approval of the planning application.

### **Notes**

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

#### **Plan Reference**

12/00734/1

12/00734/2

12/00734/3

12/00734/4

12/00734/5

12/00734/6

12/00734/7

12/00734/8

**PERTH AND KINROSS COUNCIL**

**INSTALLATION OF TWO WIND TURBINES AT BLOOMFIELD, WEST  
NETHERTON, MILNATHORT, KINROSS, KY13 0SB**

**DELEGATED REPORT OF HANDLING**

Ref No	12/00734/FLL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N8–Kinrossshire			Yes	No
Target	17 July 2012				
<b>RECOMMENDATION</b>					
Refuse the planning application on the grounds that the proposed turbines will potentially have an unacceptable visual impact on the local area, which is contrary to the aims and objectives of the Development Plan.					

**BACKGROUND & DESCRIPTION**

The application site relates to a small area of grazing land at West Netherton, a small group of buildings located north of the settlement of Milnathort, and west of the M90 trunk road. The site is at the northern end of the, field with a small group of buildings located some 0.2m to the south.

This planning application seeks to obtain detailed planning permission for the erection of two wind turbines, each with a hub height of approx 15.5m and a maximum blade tip height of approx 22m. Both turbines will both be of the three blade variety. A detailed planning application for two larger turbines (27m blade tip) was refused by the Council last year on the grounds of the likely adverse visual impact on the local area.

A Screening Opinion had been carried out by the Council for the previous, larger proposal which concluded that not an EIA was not required. This proposal raises no new issues in terms of the EIA regs.

**APPRASIAL**

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Kinross Area Local Plan 2004.

In terms of the Tay Plan, *Policy 6* is directly applicable as are Policies 1, 2, 5, 17, 20 and 23 of the Local Plan.

*Policy 6* of the Tay Plan states that Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been fully justified.

*Policies 20 and 23* of the Local plan, all seek to protect protected species and preserve local nature conservation from inappropriate development.

*Policies 1 and 2* of the Local Plan both seeks to ensure that all new developments within the landward area have a suitable landscape framework and will not have an adverse impact on the character of the existing landscape. *Policy 17* of the Local Plan offers encouragement (in principle) for renewable projects, providing that designated sites or the local environment are not adversely affected by the development which is proposed.

In terms of other material considerations, this principally includes an assessment of the proposal against national planning guidance in the form of the Scottish Planning Policy, and consideration of the guidance offered in the TLCA.

Accordingly, based on the above, I consider the key determining issues for this proposal (as per the previous submission) to be a) whether or not the proposal (by virtue of its siting and height) will have an unacceptable impact on the landscape / visual amenity of the area, b) whether or not the proposal is compatible with the surrounding land uses and c) whether or not there will be an adverse impact on any protected species and / or habitats bearing in mind the provisions of the Development Plan and other material considerations.

I shall assess these issues in turn, starting with the landscape and visual impact issues.

#### *Landscape and Visual impact*

In terms of renewable developments, *Policy 2* of the Local Plan seek (amongst other things) to ensure that the amenity of existing areas are not adversely affected by new developments. I consider *visual* amenity as a valuable amenity which these policies seek to protect.

The proposed turbines will introduce a new landscape feature into the local landscape, and based on the ZTV submitted with the planning application; both long and short views of the smaller turbines will still be theoretically achievable in all directions. Nevertheless, the fact that the turbines are visible should not necessary automatically render it unacceptable.

I consider a more reasonable assessment of the acceptability of the turbines (in visual terms) to be whether or not the introduction of the turbines will have a detrimental impact on the visual amenity of the area, as enjoyed by those affected (i.e. residents and visitors), particularly with a 15km radius of the site. Historically, the M90 corridor has been sensitive to wind turbines (and other tall structures), and the Council has in the past been hesitant in offering support for new wind energy developments which are larger than the domestic scaled turbines. I appreciate that the surrounding area to the north around Milnathort is not specifically protected by any formal landscape designation, nevertheless the local area, in my opinion, does have a degree of high amenity value for both its residents and users (whether that be recreational walkers or commuters) and after visiting a number of viewpoints I am still of the opinion that the introduction of a pair turbines in excess of 20m to their blade tip, will potentially adversely affect the visual amenity and appearance of the localised area.

Turning to landscape impact, in terms of renewable developments, *Policies 2, 5 and 17* of the Local Plan all seek similar key objectives with regard to protecting the

landscape, i.e. restrict renewable developments within the landward area if the proposal would have an adverse, negative impact on the landscape of the area concerned. In considering the impact on the landscape character, a high weighting is given to the contents of the TLCA. Within the TLCA, the landscape character type of the development site is described as being one of Lowland Basin. In reference to existing (and proposed) structures impacting on the area, the TLCA states that '*more seriously would be the development of tall structures on the hills that enclose the basins*'. In my personal view, although I have some issues over the visual impact of the two turbines, I do not necessarily consider the turbines to have a significant impact on the landscape character of the area and the concerns and comments raised within the TLCA, in my opinion, relate to potential proposals on higher land for the larger industrial scaled turbines on the hills to the north and west.

#### Compatibility with Existing land uses

Turning to second issue, the compatibility with existing land uses, Policy 2 of the Local Plan seeks to ensure that all new developments are compatible with existing land uses. I have no concerns regarding the impact that the turbines will have on the commercial activities of the land, and in terms of the impact on any existing residential properties, it is noted that that the closest residential properties are approx 0.2km from the site. My Environmental Health colleagues have commented on the proposal and have raised no concerns regarding noise related issues. The principal conflict with the existing neighbouring properties would be the impact on their residential amenity. I appreciate that no one person has a right to a view, however the presence of these two turbines relatively close (0.2km) from residential properties will, in my view have a negative impact on the private visual amenity enjoyed by the existing residents.

#### Protected Species / Habitats

In terms of the impact on protected species / habitats, I have no immediate concerns regarding this development which could not be adequately addressed or mitigated via appropriate planning conditions. I therefore consider the proposal to be consistent with the relevant Development Plan policies which relate to protected species / habitats, insofar as the proposal would not have an adverse impact on either element.

#### Other Material Issues

##### *Shadow Flicker*

I note that my EHO colleagues have not raised any specific concerns on this topic, and I have no reason to offer a different view.

##### *Aviation Lighting*

Any lighting of the turbines, as may be required by the MOD will only be visible from the air, however considering the height of the turbines, it is highly unlikely that any aviation lighting will be required, and I do not consider there to be any need for ground based lighting. I therefore have no concerns regarding lighting.

##### *Noise*

With regard to noise, I note there are a number of residential properties within the

vicinity of the site (the closest one approx 0.2km away), however my EHO colleagues have raised no concerns regarding this proposal. I therefore do not consider noise to be issue.

#### *TV reception*

In the event that a review to the LRB is successful, an appropriately worded condition could be attached to the consent which would provide mitigation measures for any person(s) affected directly by this proposal.

#### *Road / Access Issues*

My road colleagues have commented on the proposal and have raised no objection. If the LRB were to support a review of this refusal, a number of conditions could be attached to the consent that would mitigate any potential impact on road and pedestrian safety.

#### *LRB / Conditions*

In the event that this planning application is presented to the LRB for review, it is requested that the Planning Service have an opportunity to recommend draft conditions. The Council now has a number of standard conditions which it would consider appropriate, and it is envisaged that a number of site specific conditions may also be necessary.

#### *Health & Safety*

Following recent national press coverage of turbine failures and explosions, there is greater concerns amongst the public regarding the safety of wind turbines. Nevertheless, I do not consider this to be a valid planning consideration.

#### *National Guidance*

Although the proposal is of a relevantly small scale, the principle of renewable energy developments is supported by the Scottish Government through its planning policies and guidance. However, the Scottish Government also suggests that renewable projects should be sited in appropriate locations which have the ability to absorb the development that is proposed.

Based on the above, I therefore recommend the planning application for a refusal, based on the likely visual impact on the area and the potential for an undesirable precedent to be set.

### **NATIONAL PLANNING GUIDANCE / POLICIES**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

#### The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are,

- Paragraphs 182-186 which relate to renewable energy
- Paragraphs 92-97 which relates to rural development

#### PAN - 1/2011 : Planning & Noise

This Planning Advice Note (PAN) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It supersedes Circular 10/1999 *Planning and Noise* and PAN 56 *Planning and Noise*. Information and advice on noise impact assessment (NIA) methods is provided in the associated Technical Advice Note. It includes details of the legislation, technical standards and codes of practice for specific noise issues.

### **DEVELOPMENT PLAN**

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Kinross Area Local Plan 2004.

#### Tay Plan 2012

*Policy 6* of the Tay Plan state that Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;

- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

#### Kinross Area Local Plan 2004

Within the Local Plan, the site lies within the landward area, where the following policies are directly relevant.

*Policy 1 (General Development)* seeks to ensure, where possible that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development (amongst others)

- The consumption of non-renewable resources should be at levels that do not restrict the options for future generations.
- Renewable resources should be used at rates that allow their natural replenishment.
- The quality of the natural environment should be maintained or improved.
- Where there is great complexity, or there are unclear effects of development on the environment, the Precautionary Principle should be applied.
- Biodiversity is conserved.
- New development should meet local needs and enhance access to land, employment, facilities, services and goods.

*Policy 2 (General Development)* states that all developments within the Plan area will be judged against the following criteria (amongst others)

- The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.



- In the case of building development, regard should be had to the scale, form, colour and density of development within the locality.
- The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.
- The local road and public transport network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided.

*Policy 5 (Landscape)* states development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Kinross-shire Landscape Character Assessment published by Scottish Natural Heritage.

*Policy 17 (renewable energy)* states that the Council will encourage, in appropriate locations, renewable energy developments. Renewable energy developments, including ancillary transmission lines and access roads, will be assessed against the following criteria.

- The development will not have a significant detrimental effect on sites of nature conservation interest or sites of archaeological interest.
- The development will not result in an unacceptable intrusion on the intrinsic landscape quality of the area.
- The development will not result in a loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.

Windfarm developments will not be permitted on the Lomond Hills, Benarty Hill or along the ridgeline of the Cleish Hills, Ochils or Lendrick Hills, as viewed from the principal roads of the area. Developers will be required to enter into an agreement for the removal of the development and the restoration of the site, at the end of the development's useful life.

*Policy 20 (Protected Species)* states development which would affect:

- Sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended; and Annex II or IV of the European Community Habitats Directive or Annex I of the European Community Wild Birds Directive.
- Those habitats listed in Annex I of the European Community Habitats Directive.

will only be permitted where appropriate assessments have demonstrated to the satisfaction of the Council as planning authority that:

- (a) There will not be an adverse effect on the species or habitats; or
- (b) There is no alternative solution and there are imperative reasons for over-riding

public interest, including those of a social or economic nature.

*Policy 23 (Local Habitats)* seeks to ensure that the Council will protect and enhance habitats of local importance to nature conservation.

#### Proposed LDP 2012

Policy ER1A states that renewable developments will be supported when they are well related to the resources needed for their operation. In assessing such proposals, a number of factors will be considered, such as individual and cumulative impact on biodiversity, landscape character, visual integrity, the historic environment, cultural heritage, tranquil qualities, wildness qualities, water resources and the residential amenity of the surrounding area.

### **OTHER COUNCIL POLICIES**

None specifically applicable to the proposal, although it should be noted that the Council's SPG on Wind Energy Proposals is presently under review. I therefore consider its existence should be acknowledged, but the weighing given to its contents should be relatively limited at this stage.

### **OTHER GUIDANCE**

#### Tayside Landscape Character Assessment 1999

With the TLCA the application site lies within the Loch Leven Basin Landscape Unit. It is stated that the Loch Leven Basin includes a ball-like radio installation west of the Kinross junction on the M90. Although visible from a number of areas it is not an unduly prominent feature. The TLCA goes on to state that more serious would be the development of tall structures on the hills which enclose the basins.

### **SITE HISTORY**

A previous detailed planning application (11/02039/FLL) for two larger turbines was refused on the site last year on the grounds of the unacceptable visual impact that the turbines would have on the local area.

### **PKC CONSULTATIONS**

Transport Planning have commented on the planning application and have raised no concerns.

The Environmental Health Manager has commented on the planning application and raised no objections subject to appropriate noise conditions being attached to any consent.

### **EXTERNAL CONSULTATIONS**

MOD have been consulted on the proposal and raised no comment.

CAA have been consulted on the planning application and have raised no comment.

National Grid have been consulted on the planning application and have raised no comment.

Milnathort Community Council have been consulted on the planning application and have raised no comment.

RSPB have been consulted on the planning application and raised no comment.

National Grid Plant Protection Team have been consulted on the planning application and have raised no comment.

**TARGET DATE:** 17 July 2012

### **REPRESENTATIONS RECEIVED**

At the time of writing, two letters of representations had been received, including one from the local civic trust. The main issues raised by the objectors are,

- Noise concerns
- Visual Impact

These issues are addressed in elsewhere in this report.

### **ADDITIONAL STATEMENTS**

Environment Statement	Not required
Screening Opinion	A screening exercise has been undertaken by the Council which concluded the proposal was not an EIA development.
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Limited LVIA has been submitted in the form of photomontages and ZTV base maps.

### **PUBLICITY UNDERTAKEN**

The planning application was advertised in the local press on the 25 May 2012.

### **LEGAL AGREEMENTS REQUIRED**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDED REASONS FOR REFUSAL**

- 1 As the proposed turbines will have an adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing (visual) amenity from new developments within the landward area.
- 2 As the proposed turbines will potentially have an adverse impact on the residential amenity of existing residential properties (by virtue of the turbines appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing (residential) amenity from new developments within the landward area.
- 3 The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.

## **JUSTIFICATION**

The proposal is not in accordance with the Development Plan and there are no material reasons which merit approval of the planning application.

## **INFORMATIVES**

None

## **PROCEDURAL NOTES**

None

## **REFUSED PLANS**

12/00734/1 - 12/00734/8 (inclusive)

### Note

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report, although several representations have been considered.



## **Supporting Statement**

<b>Project</b>	Bloomfield Wind Turbines
<b>Proposal</b>	Installation of two 20kw wind turbines on 15m masts
<b>Address</b>	Bloomfield, West Netherton, Milnathort, KY13 0SB

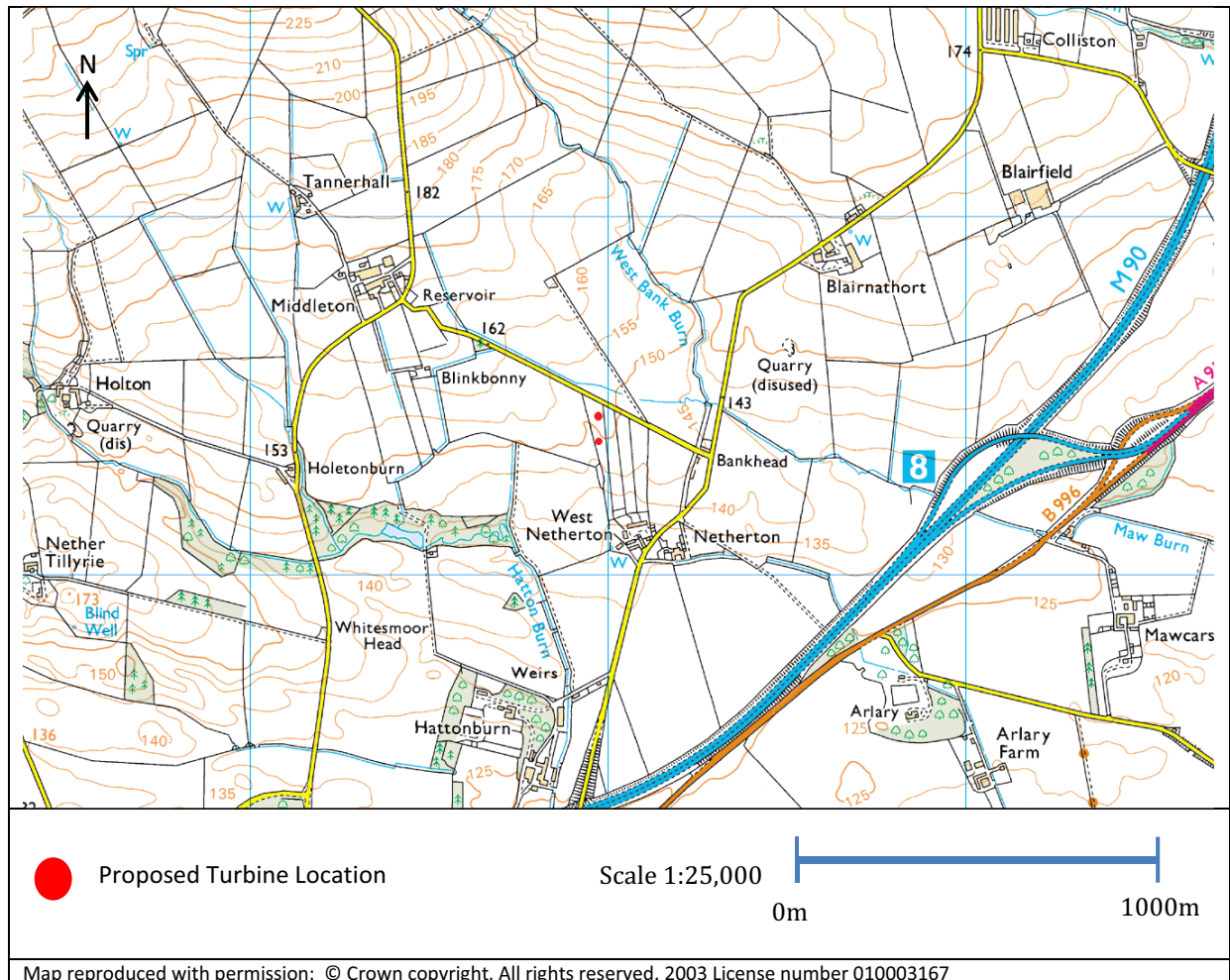
## Proposed Development

This statement has been prepared in support of the installation of two 20kw wind turbines on 15m masts on land to the north of Bloomfield, West Netherton.

The turbine model for the installation is a C&F Green Energy 20kw wind turbine, height to hub 15.434m, height to blade tip 21.979m. The blade swept diameter is 13.1m, with each blade measuring 6m in length.

Detailed turbine specifications will be submitted as supporting documents to the planning application.

## Location



## Background

This application proposes the installation of two 20kw wind turbines on 15m masts at Bloomfield. The application follows 11/02039/FLL *Installation of two 20kw wind turbines on 20m masts Bloomfield, West Netherton*. 11/02039/FLL was refused on the basis that the proposal would contravene Policy 2 of the Kinross Area Local Plan, 2004 and Environment and Resource Policy 14 of the Perth and Kinross Structure Plan, 2003 by eroding visual amenity for existing residential properties, and visiting recreational users.

To address these concerns, the current proposal reduces the height of the turbines from 27m to tip to 22m to tip height, 15m at hub height. In addition, photomontage images have been provided to demonstrate the predicted visual impact of the 20kw wind turbines at viewpoints of local interest, as well as at nearby residential properties. The extended visual report will show that the turbines are not an incongruous development, standing adjacent to a large agricultural shed and amongst several pylons. Furthermore, the visualisations reveal that neighbouring properties will not have unimpeded views of the machines due to extensive mature foliage and tree growth lining the gardens of the majority of the other West Netherton residences. As a result, the wind turbines will have a low level of visual impact.

With the revised wind turbine height, and the more extensive visual information, we are confident that it has been thoroughly demonstrated that both the Perth and Kinross Structure Plan 2003 and the Kinross Area Local Plan 2004 Policy 2 are not contravened. The Bloomfield wind turbine installation is an example of positive renewable energy development as encouraged by Scottish Planning Policy.

In further support of the application, this statement will also address the following concerns in relation to the proposed development:

- Shadow Flicker
- Landscape and visual impact
- Access and roads
- Use of airport and its safety
- Defence and emergency service operations
- Impact on communication installations

### 1. Shadow Flicker

As stated in Scottish Government planning guidance, “shadow flicker” should not be a problem when turbines are positioned at a distance equal to 10 times the rotor diameter of a wind turbine.

For a C&F Green Energy 20kw wind turbine with a rotor diameter of 13.1m, the turbine should be placed at least 131m from neighbouring properties. The Bloomfield turbines are positioned over 200m from any neighbouring properties and should not cause any issues due to “shadow flicker”.

### 2. Landscape and Visual Impact

As per SNH guidelines, visualisations to assess the landscape and visual impact of the proposed Bloomfield wind turbines have been provided with the full planning application.

### 3. Access and Roads

The components of the 20kw wind turbine are delivered in sections, the longest of which does not exceed 7m in length.

The total weight of the turbine is less than 5 tonnes. The entirety of the turbine can be delivered on a 4 – wheel flatbed.

As such, there should be no special arrangements necessary for delivery to site – such as escorts or traffic safety measures.

#### 4. Use of airport and its safety

The Bloomfield development is of a scale that should not cause any interference with nearby airports.

#### 5. Defence and Emergency Service Operations

No interference to defence and emergency service operations will occur as a result of the proposed wind turbine installation at Bloomfield.

#### 6. Communication Installations

There is no known interference with electrical equipment or electromagnetic disturbance due to C&F Green Energy wind turbine installations. The blades are constructed using a non-conductive GRP, with no metal inserts, preventing interference with communications equipment.



**TCP/11/16(199)**

**Planning Application 12/00734/FLL – Erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB**

## **REPRESENTATIONS**

- Representation from Environmental Health Manager, dated 31 May 2012
- Objection from Kinross-shire Civic Trust, dated 9 June 2012
- Objection from Mrs Jane Brown, dated 12 June 2012
- Objection from Milnathort Community Council
- Representation from Jane Brown, dated 23 July 2012
- Agent's Response to Representation, dated 8 August 2012
- Further comment from Agent, dated 13 August 2012



# Memorandum

To Development Quality Manager

From Environmental Health Manager

Your ref PK12/00734/FLL

Our ref MP

Date 31 May 2012

Tel No (01738) 476 415

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an application for Planning Permission

### **PK12/00734/FLL RE: Installation of 2 wind turbines Bloomfield West Netherton Milnathort Kinross KY13 0SB for Windtek Limited**

I refer to your letter dated 22 May 2012 in connection with the above application and have the following comments to make

#### **Recommendation – Environmental Health**

**I have no objection in principle to the application but recommend the undernoted Conditions be included on any given consent.**

This application is for 2 x 20kW wind turbines mounted on 15 meter masts at West Netherton, located around 250 meters from the closest residential receptor. The applicant has submitted some very limited noise data with this application, which in normal circumstances would be insufficient to assess this application, however due to the separating distance being 250 meters I do not foresee and significant loss in residential amenity, however I would recommend the undernoted conditions be attached to any consent.

#### **Conditions**

1. Noise arising from the wind turbine shall not exceed an  $L_{A90}$ , 10 min of 35 dB at the nearest noise sensitive premises at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event of that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise levels.
2. On a formal written request by the Council as Planning Authority, appropriate measurements and assessment of the noise arising from the wind turbine (carried out in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) shall be submitted for the approval in writing by the Council as Planning Authority

#### **Recommendation - Water**

**I have no objections to the application but recommend the undernoted conditions be included in any given consent.**

Background - the area is rural and the existing residential premises are served by both private and mains water. Private water supplies: Blairnathort, Arlary House & Middleton (Milnathort) Supplies are known to serve properties in the vicinity.

No objections in relation to the application from the public were noted at the time of this memo.

### **Condition**

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

### **Informative**

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

A handwritten signature in blue ink, appearing to be 'S. H.' followed by a large, stylized flourish.

# KINROSS-SHIRE CIVIC TRUST

*Helping protect, conserve and develop a better built and natural environment*

Ashtrees  
Wester Balgedie  
KINROSS  
KY13 9HE

9<sup>th</sup> June 2012.

Mr Nick Brian  
Perth and Kinross Council  
Development Control  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD



Dear Mr Brian

**12/00734/FLL Erection of 2 wind turbines Bloomfield, West Netherton, Milnathort, Kinross, KY13 0SB, for Windtek Limited**

The Civic Trust continues to object to these applications for Wind Turbines which are proliferating now all over Perthshire and Kinross-shire. Yet the Council continues to have no Policy on these matters.

As usual, the supporting documentation is all about Visual Impact and Noise Impact. These are important issues. Yet, there is absolutely no evidence whatsoever that this is a suitable site for Wind Turbines, ie is there enough wind to sustain the construction of 2 x 22m high Wind Turbines. The answer is that very likely there is not enough wind, but the countryside is continuing to be spoiled by these visual intrusions.

The Trust would also point out that the site appears to be within the Health and Safety Consultation Zone.

The Council really needs to produce a proper Policy Document, which will set down clear technical parameters that applications will have to meet before Consent is granted.

The Trust continues to insist that if, unfortunately consent is granted, that there is a clause in the consent that states that if the turbines are not a success that they must be demolished otherwise the landscape will have more and more of these eyesores standing all across the beautiful countryside.

Yours sincerely

For and on behalf of Kinross-shire Civic Trust  
Cc PKC Local Members

Chairman – Mr Alistair Smith, Treasurer – Mr Ken Miles, Secretary - Mrs Eileen Thomas  
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**Mrs jane brown (Objects)**

**Comment submitted date: Tue 12 Jun 2012**

I am not opposed to green energy, but this again seems to be for commercial gain rather than personal use. If the application was for a smaller single turbine to generate energy for personal use i would not object. I feel this is out of character with the area, and although it states that they would not be seen due to the mature trees, what about the six months when there are no leaves on the trees...when these two large turbines will be visible, to all neighbouring properties and to all driving up hattonburn road etc.

Also at the site of windbine 2 positioned to the left (as seen on photo C) is a small woodland area currently used as a nesting and breeding area for the pair of merlin hawks .Where are these rare birds to move to?

These turbines belong in an area which is not populated  
I am sorry to have to object .





12/00734/FLL | Erection of 2 wind turbines | Bloomfield West  
Netherton Milnathort Kinross KY13 0SB

At the June meeting of Milnathort Community Council the above application was discussed.

We would like to object to the application on the following grounds.

**Visual Amenity**

The situation of the turbines will have affect the visual amenity of both the area of Kinross-shire including Loch Leven and the immediate vicinity.

To put the development in context, there is a coppice of trees 350m to the north east clearly visible at only 15m high, 7m lower than the proposal.

The turbines will also be less than 50m from a public road which is well used for recreation purposes i.e. walking, cycling and horse riding by the residents of Milnathort as part of a circular route.

The proposed situation is on a prominent land sloping up & clearly visible from the Loch including the castle island, less than 5km away as well as from the M90 motorway, which is less than 1km distant.

**Flicker**

Due to their proximity on the south side of the road, flicker shadow will be cast on the road, which will have an impact especially with a lower sun in the morning and late afternoon during autumn/winter months. The flicker would be a distraction to motorists, which due to the narrowness of the road may be danger to other users.

**Potential Danger**

It has been recorded that in winter ice can form on blades which can then be dislodged without warning and thrown a considerable distance to the danger of nearby life and property.

**Further Development**

Whilst single turbine development is often acceptable in many cases in this instance there is a danger that a precedent may be set as there are a number of nearby properties that could potentially apply for permission for similar developments resulting in a cluster of up to 10 turbines within an area of 300sq m.

David Cottingham  
Milnathort Community Council



## Audrey Brown - Democratic Services

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**From:** JANE BROWN [REDACTED]  
**Sent:** 23 July 2012 19:55  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(199) - Bloomfield, West Netherton, Milnathort

Dear Sir/Madam.

I would like to submit my objections to the local review Body with regards to the email received in regards to the planning application for two wind turbines at Bloomfield. West Netherton, Milnathort KY13 0SB.

As I have stated previously I am not opposed to renewable energy, but I feel that two turbines of such size would not be for personal use for their own property but rather just for commercial gain.

My main concern is that just to the west of the proposed erection site of these turbines is a small wooded area with a handful of trees, one of which, is home to a breeding pair of merlin hawks which have been there since we moved in over three years ago.

After speaking to both my local RSPB head office and SNH ,they class this bird as a category one species, as they are a rare bird, which means that its nest site and hunting area must not be disturbed and are protected against such things by law. Authorisation has to be sort from the government body DEPA.

The close proximity of these turbines means that one of the turbines would be literally yards away from their nest site and flight path.

The other worrying thing is that if planning is granted for these two , does that set a precedence for the remaining residents at Netherton. Because if it does we could end up with 10 or 12 turbines in what should be a semi rural site. It would be nothing short of a small wind farm.

Yours sincerely  
 Jane Brown



Station House  
South Street  
Milnathort  
KY13 9XB  
01577 898 220  
[info@mint-energy.co.uk](mailto:info@mint-energy.co.uk)

Gillian A Taylor  
Clerk to the Local Review Body  
2 High Street  
Perth  
PH1 5PH

8<sup>th</sup> August 2012

Dear Ms Taylor,

Application ref: 12/00734/FLL – Erection of 2 wind turbines at Bloomfield, West  
Netherton, Milnathort, KY13 0SB – Windtek Ltd

Thank you for making contact with our office in relation to representations against the application for review described above.

We note that representations have been made regarding the potential impact of the Bloomfield wind turbine installation on nesting birds and concerns about encouraging inappropriate future wind energy development in the Netherton Area.

#### Impact on Breeding Merlin Hawk Pair

To the best of our knowledge, the two turbines proposed for installation at Bloomfield are not situated in close proximity to a nesting pair of merlin hawks, nor has the applicant seen either of the pair.

Nevertheless, if the birds are present, we assert that the Bloomfield small wind development would not negatively impact any breeding birds in the vicinity. Following best practice guidelines for small wind installations published by Scottish Natural Heritage and the British Wind Energy Association, construction would not take place during the breeding season of the nesting birds so as to avoid disturbance or displacement.

#### Concerns about Future Wind Energy Development

In response to comments made stating concern about the Bloomfield proposal setting a precedent for wind energy development in the area, we would once again like to stress that a precedent for similar sized developments has already been established. There are at least eight operational or approved small scale wind turbine developments of a comparable size within a 10km radius of the Bloomfield development site.



However, we would also like to note that the interested party's anxieties about a 10 to 12 wind turbine installation at Netherton are unfounded. We agree that an installation of such a scale would not be suited to the area and would like to highlight that approval of the Bloomfield proposal would by no means open the doors for further small scale wind energy in the immediate area at Netherton. In fact, guidance for wind energy development is designed to prevent the type of unwelcome sprawl or cumulative impact described by the objector.

We trust that the information provided here is of value and assists in the assessment of the application for review.

Please do not hesitate to contact this office if any additional information is required.

Yours sincerely,

Kirstin Gardner  
Planning Coordinator

## CHX Planning Local Review Body - Generic Email Account

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**From:** Mint Energy Planning [planning@mint-energy.co.uk]  
**Sent:** 13 August 2012 11:17  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(199)

FAO Gillian A Taylor

Dear Ms Taylor,

**Application Ref: 12/00734/FLL – Erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB – Windtek Ltd.**

Further to our comments submitted in support of the review of the application submitted above, we would like to note that there is an inaccuracy in the observations put forward by Ms Jane Brown on 23rd July, 2012.

Ms Brown states that there is a breeding pair of merlin hawks (a category one species, rare bird) nesting in a wooded area in the area of the proposed Bloomfield development site. We can now confirm that the birds in question are in fact Buzzards, the most common bird of prey in the United Kingdom and are not subject to any special protection orders. A number of RSPB members have been invited to site and have identified the birds as Buzzards and **not** Merlin Hawks.

We trust this information will be of assistance.

Yours sincerely,

Kirstin Gardner  
 Planning Co-ordinator  
 Mint Energy and CF Direct

Mint Energy (Scotland) Ltd  
 Station House  
 South Street  
 Milnathort  
 KY13 9XB

01577 898 220  
[www.mint-energy.co.uk](http://www.mint-energy.co.uk)

