

Perth and Kinross Council
Development Management Committee – 15 March 2017
Report of Handling by Interim Head of Planning

Erection of a wind farm comprising 11 turbines, control building and ancillary works known as Green Burn Windfarm, at Land 1.2 km west of Drumderg Wind Farm, Alyth

Ref. No: 15/01691/FLM

Ward No: N3 - Blairgowrie and Glens

Summary

This report recommends refusal of the application for the erection of eleven (11) turbines and associated infrastructure at land 1.2 km west of Drumderg Wind Farm as the location, prominence, scale and layout of the proposed windfarm would have an unacceptable adverse landscape and visual impacts. The proposed windfarm has significant and unacceptable visual impacts, including cumulative landscape impacts on residential, recreational and tourist receptors. In light of the above it is considered that the magnitude of the adverse effects associated with the development are significant and environmentally unacceptable.

Consequently, the proposal is not considered to comply with the overriding thrust of the Development Plan and there are no material considerations of sufficient weight which would justify departing from the Development Plan. Accordingly the application is recommended for refusal.

PROPOSAL

- 1 The windfarm application site is located 11 km to the northwest of Alyth and 5km north east of Bridge of Cally. The site is approximately 269 hectares in area and comprises of two adjacent parcels of land that are separated by the unclassified C446 Road. Immediately east of the site is the operational Drumderg windfarm of 16 turbines. The consented Tullymurdoch windfarm is located 4.2km south east of the site.
- 2 The proposal involves the erection of eleven turbines between 322m and 364m AOD. Following initial feedback and objections from consultees the scale has been reduced from 126.5 metres at blade tip height to 115 metres. Hub height has also been reduced from 80 metres to 69 metres. Four of the eleven turbines have also been re-positioned within the site. Each turbine would have a crane hardstanding adjacent of 50m x 20m at the turbine base. The proposed turbines are located in landscape that displays many of the key characteristics typical of the Highland Summits and Plateaux landscape, comprising a large scale, exposed uplands with expansive views and simple vegetation cover.
- 3 Access to the site will be gained from the C446 via Alyth. To accommodate windfarm traffic the existing access tracks, 455m in total, would be upgraded and a further 3.9 km of new access track would be formed to access the turbine bases. Underground cables of 5.8km would connect the turbines to the electrical control building and there will be two temporary construction compounds.

- 4 The applicant has advised that the electricity grid connection point would be an off-site connection via a 33 kilovolt (kV) buried cable to the Coupar Angus substation approximately 18 km from the site.
- 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 3 megawatts (MW). This would result in the development having a total potential generating capacity of up to 33MW.

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 (ES) supports the planning application and is a key part of the submission.
- 9 Following consultee feedback in 2015 Supplementary Environmental Information (SEI) was submitted in September 2016 responding to issues covering landscape and visual impact including residential amenity; noise; cultural heritage; ornithology; ecology; hydrology; hydrogeology and geology; transport and access; tourism, recreation and land use; shadow flicker; climate change and air quality; and aviation and telecommunications.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

- 10 In addition to the Environmental Statement and Supplementary Environmental Information the applicant has also submitted the following documents in support of the application.
 - Design and Access Statement
 - Pre-application Consultation Report
 - Tourism Report

Design and Access Statement

- 11 The Design and Access Statement highlights that the developer identified a number of sensitivities through the design process and they have been avoided in the initial design process as far as possible, with mitigation or enhancement proposed in the ES.

Pre-application Consultation Report

- 12 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.
- 13 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. Public Consultation events took place locally during February 2015 and further consultation events took place in October 2016 following submission of the SEI.

Tourism Report

- 14 The applicant commissioned the Moffat Centre, an independent tourism research centre to produce a detailed report about wind farms and their impact on tourism and this report specifically relates to the impact of the Green Burn wind farm proposal and Perth and Kinross. The report provides comparative information on the economic and tourism performance of the study area and includes analysis of the impact of Green Burn wind farm on local tourism.
- 15 The report concludes that Green Burn wind farm will have a negligible impact on local tourism and in the wider area. The report suggests that the proposed development will have a low impact on tourist's decision to visit the region again.

NATIONAL POLICY AND GUIDANCE

- 16 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

- 17 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

18 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.

19 Of relevance to this application are:

20 A successful Sustainable Place

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

21 A Low Carbon Place:

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

22 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

23 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

- 24 Provides specific topic guidance to Planning Authorities from the Scottish Government.
- 25 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.
- 26 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

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

TAYplan Strategic Development Plan 2012

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

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

- 29 The principle relevant policies are:

Policy 2: Shaping Better Quality Places

- 30 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

- 31 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

- 32 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

- 33 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.
- 34 The relevant policies are, in summary:

Policy PM1A - Placemaking

- 35 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

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

Policy PM2 - Design Statements

- 37 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

- 38 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

- 39 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 41 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

- 42 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

- 43 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

- 44 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

- 45 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

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

Policy NE1A - International Nature Conservation Sites

- 47 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

- 48 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

- 49 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

- 50 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

- 51 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

- 52 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

- 53 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

- 54 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

- 55 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

- 56 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

- 57 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

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

Policy EP5 - Nuisance from Artificial Light and Light Pollution

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

Policy EP8 - Noise Pollution

- 60 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

- 61 This supplementary guidance was approved by Perth & Kinross Council on 18 May 2005.
- 62 The Council recognises that following the publication of the Scottish Planning Policy in 2010 and 2014, it is necessary to revisit and refine the precise wording of its supplementary 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 the Reporter in relation to the Abercairney wind farm proposal in April 2014.

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

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

Tayside Landscape Character Assessment (TLCA)

- 64 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.
- 65 For clarification the application site is lying within the *Highland Summits and Plateaux* landscape character type (LCT) and the *Forest of Alyth* landscape unit. The Tayside LCA includes general guidance on wind energy development within the *Highland Summits and Plateaux* LCT but this was written at a time when turbines were much smaller structures and still relatively novel features in the landscape.

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

- 66 This document's 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 LDP under the heading 'Guidance to be published later' in Appendix 1: List of Supplementary Guidance.
- 67 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.
- 68 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.
- 69 For clarification 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*'.
- 70 Immediately to the west lies the '*Lower Glen Shee*' landscape unit within the '*Lower Highland Glens*' landscape type. The DTA study considers the 'Forest of *Alyth*' landscape unit within which Green Burn 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.

Perth and Kinross Local Landscape Areas

- 71 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*". The supplementary guidance provides a review of local landscape designations and received approval by Scottish Ministers on 17 June 2015 and has been adopted by the Council from this date.
- 72 For clarification the application site is not within or close to any designated Special Landscape Areas (SLA).

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

- 73 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.
- 74 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.
- 75 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.
- 76 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.
- 77 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.
- 78 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

- 79 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

- 80 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

- 81 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

- 82 Members will be aware that there is considerable pressure for windfarms in this area of Perthshire. 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 107 metres to tip.
- Welton of Creuchies (consented) 4 turbine scheme at 99 metres to tip.
- Tullymurdoch (consented) 7 turbine scheme at 120 metres to tip, 80m to rotor.
- Tullymurdoch (revised turbine dimensions) 7 turbine scheme at 115 metres to tip, 92.5m to rotor. Challenge to Court of Session (CoS) dismissed December 2016. Further legal challenge to (CoS) ongoing.
- Corb (consented) single turbine scheme 84 metre to tip.
- Dulater Hill (S36 application under consideration via Public Inquiry in March 2017) 17 turbine scheme 125 metres to tip.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 83 Initially objected to the application regarding the lack of information submitted on borrow pit requirements and peat depths. The applicant responded in December 2016 to confirm that there were now no borrow pit requirements associated with the proposal and materials required to form the access track will be imported to the site. SEPA have now withdrawn this element of their objection.

- 84 In terms of impact on peatland, following clarification by the applicant that no peat is present on site at the proposed location, SEPA have confirmed they have withdrawn this element of their objection.
- 85 Should consent be granted SEPA have specifically requested a condition requiring a Construction Environment Management Plan (CEMP) be submitted and approved at least 2 months in advance of development commencing.

Scottish Natural Heritage (SNH)

- 86 Following submission of the SEI, SNH's advice largely remains unchanged from their response in November 2015. SNH consider that the proposal would extend the existing pattern of wind farms in the area but would not result in a significant exacerbation of the existing cumulative impact.
- 87 With a reduction of turbine height by 11.5 metres and a revised layout SNH recognise this is an improvement on the previous view. However SNH still advise that it will still be the only wind farm in the area that will be visible in areas of the Cairngorms National Park. SNH also comment the wind farm would also impact on the A93 Trunk Road, an important gateway into the Cairngorms and the Cateran Trail, one of Scotland's Great Walking Trails.
- 88 The revised layout increases the risk to Dun Moss of Alyth Mires Special Area of Conservation (SAC) as some turbines will now be closer. 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.
- 89 With respect to the River Tay SAC, the proposal could be progressed with appropriate mitigation. However because it could affect internationally important natural heritage interests 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.

Historic Environment Scotland (HES)

- 90 No objection to the revised layout and confirmed that the revision should not result in a significantly greater impact on assets within their remit. They are now also content that the cumulative impact of the revised scheme does not raise issues of national significance.

Transport Scotland

- 91 No objection is offered subject to conditional control being applied to minimise adverse impacts on the trunk road network and road users.

Royal Society for the Protection of Birds

- 92 Initially raised strong concerns about the proposed wind farm as the site is regionally important for black grouse and there are 5 regularly used lek sites within 500 metres of the turbines.

- 93 Following submission of the SEI they still have some remaining concerns as the revised layout still shows turbines within 500 metres of leks and therefore recommend that turbine locations are revised further.
- 94 They are supportive of the applicants Habitat Management Plan but are concerned about the predicted collision risk with turbine blades over 25 years. RSPB consider that a predicted collision figure of 144 birds is high but do agree that this is likely to be an overestimate as the collision risk model was affected by a single flight of 80 birds.

Forestry Commission Scotland (FCS)

- 95 No comments received.

Scottish Water

- 96 No comments received.

Ministry of Defence

- 97 Following an initial objection, the MOD now offer no objection to the revised layout following the relocation of 4 turbines and a reduction in turbine height. Should permission be granted, they have recommended conditional control regarding aviation safety.

National Air Traffic Control Scotland (NATS)

- 98 No safeguarding objection to the application.

Joint Radio Company

- 99 Following an initial objection regarding interference with radio signals operated by utility companies, they now offer no objection to the revised layout.

Cairngorms National Park Authority (CNPA)

- 100 Initially objected to the proposal and following submission of the SEI, CNPA maintain their objection to the proposed development. Whilst they note that the changes in turbine height and repositioning of 4 turbines go some way to reduce the landscape impacts, the SEI still demonstrates that Green Burn wind farm would have a significant adverse effect on the Special Landscape Qualities (SLQs) experienced within Glen Shee, particularly from the A93 a key route into and out of the National Park, and is currently being promoted by the Scottish Government as a National Scenic Route (Snow Road). The turbines will remain prominent on the skyline and would distract from views of the landscape from within Glen Shee. Therefore it is considered that the experience and understanding of the SLQs would be compromised by the development.

- 101 CNPA accept that the experience of these effects would be from a limited area of Glen Shee, being a relatively small part of the National Park, the area is nevertheless one of many important individual components that contribute to the special qualities of the National Park which was designated for its natural and cultural heritage and is of national importance. Therefore it is considered that any development that would compromise the integrity of the Glen Shee area to a significant degree and would compromise the integrity of the National Park as a whole.
- 102 CNPA consider that the significant adverse effects from the development, as experienced within Glen Shee and from the A93 National Scenic Route, are contrary to the relevant provisions and intent of Scottish Planning Policy and the Cairngorms National Park Partnership Plan (2012-2017).

Angus Council

- 103 No comments received.

Mount Blair Community Council

- 104 Objects to the proposal. Considers that the cumulative effect of turbines in the area will be detrimental to the landscape and tourism in the area as well as an adverse impact on protected species including birds.

Alyth Community Council

- 105 Objects to the proposal. Consider there to be too many wind farms in area and another will have an adverse impact on infrastructure in the area and in particular transport infrastructure as access to the site will only be available via Alyth.

Blairstown and Rattray Community Council

- 106 Neither object nor support the proposal.

Kirremuir Landward West Community Council

- 107 Although located in Angus Council they are located on the boundary with Perthshire and they specifically requested a consultation on this proposal because of concerns expressed by residents. They object to the proposal because they believe there would be an unacceptable visual impact including cumulative impact, an adverse impact on tourism and the local economy plus an adverse impact on habitats.

Perth and Kinross Heritage Trust (PKHT)

- 108 The proposed development area is considered to be archaeologically sensitive including a number of prehistoric settlement sites and associated agricultural remains, and a large, kerbed burial cairn. Medieval or later rural settlement sites are also present. The potential for buried archaeological remains, particularly in relation to visible sites, is considered to be moderate to high.

- 109 PKHT confirm that the Cultural Heritage assessment presented in the ES is robust and recommended mitigation is acceptable. In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150) and the Perth and Kinross LDP (Policy HE1), PKHT recommend conditional control be applied to any permission for a programme of archaeological works.

INTERNAL

Community Greenspace including Access

- 110 No response received but standard advice recommends conditional control to manage public access rights.

Flood Risk and Structures

- 111 No objection to the proposal.

Bio-Diversity Officer

- 112 No response received.

Strategy and Policy

- 113 The Dun Moss and Forest of Alyth Mires Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSIs) are located within the north eastern extent of the planning application site although it is noted that no turbines are proposed to be situated within these designations.
- 114 Careful consideration should be given to determine whether there any direct or indirect impacts on the designations and whether there would be a significant effect on a designated site (policies NE1A and NE1B).
- 115 The David Tyldesley and Associates Landscape Study to inform planning for wind energy (2010) identifies potential for medium scale wind energy development within this landscape character type as is proposed. The site does however lie within the Highland Boundary Fault Sensitive Visual Compartment so careful consideration should be given as to the impact on this feature (but noting that Drumderg windfarm also lies within this sensitive area). Therefore there is a need for careful consideration to be given to the Environmental Statement, to landscape advice given in the relevant consultee's responses, and to how the proposal meets with the guidance in the landscape study before determining whether there are any potentially significant effects on this feature.

Transport Planning

- 116 No objection to the proposal provided the conditions indicated in their response are applied.

Environmental Health (including Dick Bowdler Acoustic Consultant)

- 117 Environmental Health has commented in the context of construction noise, shadow flicker and the protection of private water supplies.
- 118 In terms of shadow flicker there are relatively few properties within the 20 turbine height radius which are likely to be affected by shadow flicker. Of these, the applicant has identified 3 which assessed, on a worst case basis, could lead to unacceptable loss of amenity here. In order to ameliorate these affects the applicant has suggested that a Wind Farm Shadow Flicker Protocol be submitted prior to the construction of the first turbine and it is recommended that this be attached as a condition on any permission.
- 119 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.
- 120 In terms of water supply the surrounding area contains private water supplies known to serve all properties in the vicinity. Environmental Health consider that conditional control can regulate potential effects on private water supplies and recommend the need for an Environmental Protection Plan including a Water Management Plan is submitted and approved.
- 121 Environmental Health note that once the development is operational their Service will have statutory duties detailed in the Private Water Supplies (Scotland) Regulations 2006 to monitor the water quality.
- 122 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 he is not in full agreement with the applicant's acoustic assessment. Whilst not objecting to the proposal he recommends that certain noise conditions will be required with any permission because of the cumulative impact of the proposal with Drumderg Wind Farm and the wind turbine at the Corb.

Representations

- 123 The application has attracted a high number of representations with two letters of support and 156 against the original proposals and the SEI. Of the letters of objection, these include ones from the John Muir Trust and SCOTWAYS.

Support

- 124 It should be noted that one letter of support comes from one of the landowners on which the proposal is located and is therefore considered to be financially involved in the development. As a result is not considered to be a valid letter of support.
- 125 The second letter comments that there is still the need for more renewable energy proposals and that the visual impact of the proposal will be minimal from local view points and there will not be a cumulative impact.

Objections

126 156 letters of objection have been received to the ES and SEI and have raised the following issues:

- Adverse impact on countryside
- Adverse landscape and visual impact
- Adverse cumulative landscape and visual impact
- Out of scale/excessive height
- Visual impact on communities, residents, road users, visitors, recreational users (Cairngorms National Park, Glenshee, Cateuran Trail, Munros, Wild Land)
- Impact on ecology/protected species
- Noise and health issues
- Shadow flicker
- Tree loss
- Impact on private water supply
- Historic site (archaeology/cultural heritage)
- Impact on peatland
- Contrary to Development Plan/Policy
- Road safety and traffic impact
- Concerns with grid connection location
- Adverse impact on economy and existing businesses (tourist/rural economy)

127 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:-

- Property values - it should be noted that the potential loss in property value falls outwith the remit of this planning assessment
- Turbines not made in Great Britain- It is not the role of the Planning Authority to comment on where the turbines are manufactured/produced.
- 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.

128 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	<p>Incorporated into Environmental Statement.</p> <p>Supplementary Environmental Information</p> <p>Pre-application Consultation Report</p> <p>Tourism Report</p>

APPRAISAL

- 129 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 Strategic Development Plan 2012 and the Perth and Kinross Local Development Plan 2014.
- 130 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.
- 131 With regards to the 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.

- 132 Policy ER 1A supports renewable energy proposals subject to considering a range of factors including biodiversity, landscape character, visual integrity, wilderness qualities, transport implications and the impact upon tourism which is in line with Scottish Government planning policy and the planning objectives of TAYplan.
- 133 There are numerous other individual planning 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 some duplication occurs, however Policy NE1 - Environment and Conservation, Policy NE 3 - Biodiversity and Policy ER 6 - Managing Future Landscapes are of relevance in the determination of this application.
- 134 The policy position is generally supportive of renewable energy schemes. It is important to note though that 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

- 135 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

- 136 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):-

- 137 The development site is approximately 1km from the boundary of the River Tay SAC. The wind farm lies within the catchment of several small burns which are tributaries of the Tay and SNH consider there to be connectivity with the River Tay SAC. The applicant's Environmental Statement (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.

- 138 SNH advise that Atlantic salmon and lampreys are vulnerable to changes in water quality and sedimentation. As stated in the above paragraph, there is the potential for an increase in sediment runoff and pollution during the construction phase of this proposal. SNH therefore disagree with the conclusions of the ES in this respect and in their opinion; this proposal is likely to have a significant effect on the qualifying interests of this site. As a consequence, Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.
- 139 However, SNH advise that if the proposal is amended so that the works are done strictly in accordance with the mitigation stipulated in the Annex of their consultation response of 21 November 2016, this significant effect can be avoided and an appropriate assessment will not be required.
- 140 They advise a detailed site Environmental Management Plan (EMP) and specific Construction Method Statements (CMS) as outlined in Appendix 2 – Schedule of Mitigation in the ES should be produced and agreed with the Council, SNH 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 clear fell period.

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

- 141 The site boundary falls partially within the boundary of Dun Moss SAC. While no infrastructure is planned within the SAC, turbine 3 (WTG 3) plus its track, crane pad and associated infrastructure are proposed within the catchment for the SAC. The qualifying interest for which the SAC was designated is active raised bog.
- 142 SNH advise that active raised bog and its supporting habitats are vulnerable to changes in water quality, air quality and sedimentation. The lagg (wetland area) zone, a supporting habitat and an integral part of the raised bog, is critical to the bog's structure and function. It forms the transition zone surrounding the raised bog where runoff collects from the rain-fed bog and adjacent mineral soils. The lagg zone is sensitive to changes in water chemistry as even a small change could lead to changes in the flora which could significantly impact upon qualifying interests of the SAC.
- 143 There is the potential for an increase in sediment runoff and pollution during the construction phase of this proposal which could affect water chemistry. This could result in a detrimental effect on the lagg zone and, as the lagg zone is critical to the structure and function of a raised bog, result in a significant impact on active raised bog.
- 144 The revised layout has resulted in turbine 3 being closer to the boundary of the SAC and in SNH's view; this proposal is likely to have a significant effect on the qualifying interests of this site. Consequently, Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. However, if the proposal is amended so that the works are done strictly in accordance with the mitigation outlined in their consultation response of 21 November 2016, then the proposal will not adversely affect the integrity of the site.

- 145 SNH require a detailed site EMP and specific CMS should be produced and agreed with the Council, SNH and SEPA prior to work commencing on site any consent is subject to a condition requiring the implementation of the CEMP and CMS. The EMP and CMS should seek to minimise pollution and sedimentation in the water environment and include the measures outlined in Appendix 2, Schedule of Mitigation, of the ES. The above condition would avoid significant impacts on the River Tay SAC and prevent the need for an appropriate assessment.

Local Designations and Biodiversity

- 146 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.
- 147 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 heath and the ES recommends the production of a Habitat Management Plan to enhance the heath and any bog communities retained on site.
- 148 Otter, wildcat and pine martens were recorded within the development site with suitable foraging habitat available for wildcat. Accordingly there is the potential for disturbance or damage to the resting places of protected species from construction and operation of the wind farm, such as operations to upgrade or widen the existing track, implement new tracks and any water crossings.
- 149 The ES and SEI makes recommendations for pre-construction surveys for otters, wildcat and pine martens. Results of these surveys will inform any licensing requirements and should form the basis of individual Species Protection Plans (SPP) and mitigation measures. It is considered that this can be controlled by condition and will safeguard wildlife and wildlife habitats to comply with LDP policy NE3.
- 150 In terms of breeding birds SNH advise that the site is regionally important for its Black Grouse interest with several well used lek sites in and adjacent to the turbines. The development is likely to displace or otherwise dissuade the grouse from using the site resulting in significant impacts on the species at a regional level. The suggested mitigation measures and habitat management plan are not sufficiently detailed to allow SNH to gauge if they are likely to be successful in preventing these significant impacts.
- 151 RSPB recommend the requirement for a buffer zone of at least 500m between the lek(s) and the location of any turbine to minimise the risk of displacement during operation. However, the new turbine locations are still within 500m of some of the leks, and RSPB recommend that certain turbine locations are revised further to correct this as the site is regionally important for this red listed species

- 152 RSPB advise that the site hosts breeding waders. The collision risk assessment and breeding bird records demonstrate that breeding birds are likely to be lost or displaced due to impacts from the development. This would not result in significant impacts on the national populations.
- 153 RSPB advise there are up to nine pairs of curlew breeding on the site with some within 250m of the proposed turbines. Curlew have undergone large declines in recent decades and can be affected by both collision and displacement. Although no cumulative impact is predicted on this species, habitat management should be implemented as mitigation.
- 154 The site hosts breeding waders. The collision risk assessment and breeding bird records demonstrate that breeding birds are likely to be lost or displaced due to impacts from the development. RSPB are content though that this would not result in significant impacts on the national populations.
- 155 SNH recommend that a deer management plan is conditioned to ensure these impacts are also fully addressed.

Ornithology

- 156 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.
- 157 Osprey are known to be nesting in the wider locality however there has been limited flight activity over the development site and osprey are not known to be breeding within the planning application boundary.
- 158 Many protected bird species were recorded to be breeding within the potential collision zone (PCZ) and flying at potential collision height (PCH). According to the collision risk model, it is likely that 14 curlew, up to 144 golden plover, five lapwing, three oystercatcher and a single snipe may be involved in collisions with turbine blades in 25 years of operation.
- 159 Golden Plover is listed on Annex 1 of the Birds Directive and an amber listed Bird of Conservation Concern. RSPB believes that a predicted collision figure of 144 birds is high, particularly since they are not breeding on the site. RSPB do however agree this is likely to be an overestimate as the collision risk model was affected by a single flight of 80 birds. It is also likely that these birds were just passing through the site, rather than making regular use of the airspace.
- 160 RSPB supports the establishment of a Habitat Management Group (HMG), of which RSPB Scotland is a member, to oversee the preparation and delivery of the Habitat Management Plan and to review and assess the information from the ongoing monitoring/surveillance results. We understand that a long-term habitat enhancement and monitoring programme will be in place for black grouse agreed with SNH prior to construction. However, as mentioned above, RSPB believes this should also include curlew.

- 161 While I acknowledge the strong ornithological concerns expressed by representations I attach weight to both SNH's and RSPB's conclusions and recommendations as they are the bodies with specific responsibility to provide advice on ornithological matters. In this regard no objection is offered by both SNH and RSPB. I see no reason to recommend refusal on this matter if conditional control is secured.

Water resources and Carbon Rich Soils

Private Water Supplies

- 162 Environmental Health confirmed that there is a limited public mains water service in the area therefore many surrounding properties are served by private water supplies. They recommended that the Environmental Protection Plan (EMP) 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. The EMP should also include details of the proposed nature and frequency of the baseline water supply monitoring prior to commencement, during and subsequent to completion of the development. Details of the proposed methods of alerting affected individuals as a result of a contamination issue arising from the development should also be included along with alternative water supply arrangements.
- 163 While contamination of water supplies is a private legal issue, I consider it 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 should planning permission be granted.

Groundwater Dependant Terrestrial Ecosystems and Management of Peat

- 164 The initial consultation with SEPA confirmed that they required clarification on peat depths and whether the Groundwater Dependant Terrestrial Ecosystems (GWDTEs) was moderately or highly groundwater dependent.
- 165 The applicant's ES - Annex F Hydrology, Hydrogeology and Geology states that no peat is present on site at the location of any of the proposed wind farm infrastructure and that no potential effects on peat deposits are predicted to occur as a result of the development.
- 166 Following further clarification by the applicant, SEPA have advised that they were satisfied on these matters. Conditional control is still requested to avoid pollution and protect the water environment.

Borrow Pits

- 167 Both the ES and the SEI notes that off-site rock will be utilised for the access tracks however they also refer to the possibility of a single borrow pit being required on site for win material. SEPA sought further clarification on this and the applicant has now confirmed that no borrow pits will be required and all material for the access tracks will be brought in from off site. SEPA have now advised that whilst the SEI in particular appears to be a bit misleading they are content with the latest confirmation by the applicant.

Forestry/Trees

- 168 There is not considered to be an impact because of the lack of trees or woodland within the site.

Historic Environment, Cultural Heritage

- 169 HES has confirmed that they are content that the windfarm has been designed to avoid direct impacts upon nationally important heritage assets. Therefore it is considered that the proposal accords with Policy HE1A-Scheduled Monuments and HE4 Gardens and Designed Landscapes.
- 170 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.
- 171 Consultation has been undertaken with the PKHT. The proposed development area is considered to be archaeologically sensitive including a number of prehistoric settlement sites and associated agricultural remains, and a large, kerbed burial cairn. Medieval or later rural settlement sites are also present. The potential for buried archaeological remains, particularly in relation to visible sites, is considered to be moderate to high.
- 172 PKHT confirm that the Cultural Heritage assessment presented in the ES is robust. The assessment considers the direct and indirect effects of the proposed wind farm on heritage assets, including an assessment on the setting of designated sites within the vicinity of the wind farm. The methodology, results and recommendations are considered acceptable.
- 173 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 LDP Policy HE1B Non-Designated Archaeology.

ElectricityTransmission/Grid Connection

- 174 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.

- 175 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.
- 176 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

- 177 The MOD has been consulted on this application and initially had an objection to some of the proposed turbines due to their positioning and blocking of signals. Following changes made to the proposal and submission of the SEI the MOD now 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.
- 178 As with the MOD, the Joint Radio Company (JRC) initially objected to the proposal as some of the turbines could interfere with radio signals. The repositioning of certain turbines has alleviated this issue and the JRC has withdrawn its objection. It is also noted that no objection has been received from telecommunication operators.

Shadow Flicker

- 179 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.
- 180 There are relatively few properties within the 20 turbine height radius which is likely to be affected by shadow flicker. Of these, the applicant has identified 3 which assessed on a worst case basis could lead to unacceptable loss of amenity here. In order to ameliorate these affects the applicant has suggested that a Wind Farm Shadow Flicker Protocol be submitted prior to the construction of the first turbine and Environmental Health recommend that this be attached as a condition on any consent.

Noise

- 181 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.
- 182 Consultation with the Council's noise consultant Dick Bowdler confirms that changes in the SEI that are relevant to noise are that there will be a different candidate turbine (with a slightly lower sound power level) and the turbines have been moved. These changes are not considered significant as compared with the previous scheme.
- 183 Concern continues to be expressed by the Council's noise consultant regarding the potential impact on the property known as The Corb in particular, as the property appears to be in breach of noise guidance. The noise level at The Corb from cumulative turbines excluding Green Burn already exceeds all limits including the Financially Involved (FI) limit of 45dB. Any additional turbine noise from Green Burn still fails to meet noise guidance.
- 184 The cumulative noise level from the various wind turbine developments at the most affected properties are considered to be significant. Whilst it might in theory be possible to operate Green Burn 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 Green Burn. To stay within the limits Green Burn would have to apply significant mitigation at various times under a range of common wind conditions. It is almost inevitable 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.
- 185 The applicant has confirmed that proposed noise limits would be met at almost all of the surrounding properties, and would be exceeded at only two properties and at these by relatively small margins. They state they have also previously demonstrated that, with a suitable and agreed specification for a curtailment regime, operational noise limits will be met. The SEI is clear (in Section 1.1) that the final choice of turbine for the Green Burn development has not yet been made. Once it has been, a specification of operational curtailment will be developed that demonstrates how the wind farm will be operated under specific wind conditions to ensure that it complies with consented cumulative noise limits. Should the application be approved this could be controlled by way of a suspensive condition.
- 186 Noise can theoretically be controlled to comply but it is considered that it could be difficult to achieve and may result in Green Burn Wind Farm having to operate in a reduced mode.

Transport Implications

- 187 The applicant has confirmed that the turbine components bound for the site should arrive at Port of Dundee. From the Port, loads would follow the A90 west towards Perth, turn onto the A85 and then follow the A94 towards Meikle. At Meikle, loads would turn left on the B954, left onto the A926, right onto the B952 and then follow the B952 through Alyth, departing northwards on Bamff Road and the C466 to approach the site from the southeast. No major modifications are anticipated to be made to the transport route, however minor works, such as the temporary removal of signs may be necessary to accommodate the swept path of abnormal loads. All minor works will be agreed with the appropriate Roads Authority and any items removed will be reinstated as soon as possible after abnormal load deliveries have been completed. A Traffic Management Plan (TMP) will be required and agreed with the relevant Authorities to ensure disruption to existing road users is minimised.
- 188 The construction of Green Burn would result in the local community being subject to some disruption and the impact of construction traffic is a significant concern to residents especially those in Alyth as detailed in letters of representation and from the Community Council.
- 189 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 and it has been upgraded in the past to serve the adjacent wind farm at Drumderg. In this case consultation with the Roads Authorities (Transport Scotland and the Council's Transport Planning Section) has been undertaken and neither have objected to the proposal. Should planning permission be granted conditional control has been recommended and this would assist in minimising the adverse impact on road users. In light of this the development would not conflict with LDP Policy TA1B.

Landscape and Visual Impact

- 190 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.
- 191 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.

- 192 An independent landscape consultant (Bayou Bluenvironment Limited) 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 by the landscape consultant in March and November 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. On both occasions, 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

- 193 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 SNH, and community consultation. A scoping opinion was provided by Perth and Kinross Council in August 2014, on the proposed development which at that time was for a larger scheme comprising 14 turbines measuring up to 120m to blade tip and 70m to hub with a 100m rotor diameter.
- 194 PKC and SNH both advised that the wind farm should avoid visual confusion and focus on design compatibility with the existing Drumderg wind farm as well as other nearby consented wind farms. Concern was raised with regard to the horizontal spread of turbines when taking into consideration cumulative development in the area.
- 195 The scoping response recommends that agreement be sought over a range of methodologies including LVIA. Issues covered in consultation responses include agreement on 26 viewpoints (from an initial list of 18) including views along key routes based on a Zone 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) especially when viewed from the south. Reference was also made to the 2010 David Tyldsley and Associates (DTA) Report commissioned by PKC.
- 196 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 consented wind farms (including Welton of Creuchies, East Gormack, Tullymurdoch, Hilton Hill and The Corb) and proposed wind farms (including Dulater Hill, Saddle Hill and Bamff – the latter two since refused). Because of its close proximity to the operational Drumderg Wind Farm, this should be included in the baseline assessment.

197 Both SNH and PKC recommended that the design aspiration should be to avoid visual confusion, given the proximity to Drumderg. It was suggested 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). The following issues are key considerations within the SNH guidance:

- (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;
- 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;
- 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; and
- 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.

198 PKC also requested that a residential study be carried out for all properties within 5km and within the ZTV, in order to analyse visual effects and demonstrate the cumulative effect on each property given the close proximity of other wind developments in the area.

Site Design Process

199 The ES refers to a process of achieving a 'best fit' with the landform of the site whilst taking account of environmental and other considerations. A Landscape Analysis plan (ES Figure 2.11) identifies the nearby main summits including Hill of Kingseat (389m AOD) to the south, Saebeg (381m AOD) to the north and Drumderg Hill (422m AOD) to the east, as well as prominent edges and ridgelines, the extent of local view-shed, and key views. With regard to potential landscape and visual effects it is noted that a number of landscape design challenges / objectives were followed, summarised as:

- To produce a visually balanced and coherent layout of turbines when seen from the surrounding landscape;
- To achieve an appropriate scale in terms of number, height and distribution/layout of turbines in relation to the landform of the site, immediately surrounding area and skyline;
- To achieve simple visual relationship with the skyline, avoiding variable height, spacing and overlapping of turbines;
- To achieve satisfactory visual relationship between turbines at Green Burn and Drumderg (balanced, coherent and clearly legible) with appropriate height, ratio of turbine rotor to tower and overall appearance;
- Consider visibility from the Highland Glens (Black Water valley) to the west and from the Highland Foothills, and in relation to the HBF;

- Consider views from the Cairngorms National Park, NSAs, residential properties and important public views in particular from the A93 corridor, the B950 to the northwest and along the Catearan Trail to the south east.

- 200 The ES notes that there is approximately 50m difference in average elevation of Drumderg Wind Farm compared to Green Burn, and suggests that in most of the more distant viewpoints the height difference between the two wind farms would not be so apparent.
- 201 Pre-application consultation and detailed site design resulted in a series of changes to the proposal, reducing the number of turbines from 14 to 11 but increasing the height of the turbines from 120m to 126.5m (increasing the hub height by 10m but reducing the rotor diameter).
- 202 The initial development resulted in turbines 19.5m taller than Drumderg (with hub height 13m higher than Drumderg turbines, and rotor blades 6.5m longer than Drumderg. Although the maximum height including ground level is less (since Green Burn turbines are located on lower ground) and ratio of hub height to blade length is similar between the two schemes, the Green Burn turbines are considerably larger structures. They are also considerably taller (to hub height and overall height to blade tip) than the nearby consented wind farms at Welton of Creuchies and Tullymurdoch (modified scheme).
- 203 Supplementary Environmental Information (SEI) on the Green Burn Wind Farm application was submitted by the applicant in September 2016 following consideration of responses from consultees to the original ES. The proposal has been amended by reducing the height of the proposed turbines from 126.5m to 115m to blade tip, a reduction of 11.5m in height brought about by reducing the height to hub from 80m to 69m, a reduction of 11m, and a slight reduction in rotor diameter from 93m to 92.5m (a reduction in blade length from 46.5m to 46m).
- 204 The dimensions of the amended Green Burn turbines are now more in keeping with other wind farms in the area as shown in the table below.

Wind Farm	Turbine No's	Hub Height (meters)	Blade Length (meters)	Ht. to Blade Tip (meters)	Rotor Diam. (meters)	Max. Ht. Including Ground Level (meters) approx.
<i>Green Burn (application)</i>	11	80	46.5	126.5	93	493
Green Burn (amended)	11	69	46	115	92.5	481
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

Review of Landscape and Visual Impact Assessment, ES Volume 2 Annex A, ES Volume 4 Landscape and Visual Amenity Figures, Photomontages and View Pack Illustrations

- 205 The LVIA refers to various strategic planning guidance documents on wind energy development of relevance to the Green Burn Wind Farm application. These include SNHs *Strategic Locational Guidance for Onshore Wind Farms – Natural Heritage Considerations* (2009), the *Tayside LCA* (1999), and the *PKC SPG for Wind Energy Proposals in Perth & Kinross*, May 2005.
- 206 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).
- 207 The LVIA 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 *Tayside LCA* includes general guidance on wind energy development within the *Highland Summits and Plateaux* LCT but this was written at a time when turbines were much smaller structures and still relatively novel features in the landscape.
- 208 It should be noted that the DTA 2010 Study provides a more detailed classification of landscape character across Perth and Kinross, and its sensitivity and capacity to accommodate wind energy development than that provided within the 1999 *Tayside LCA*. As recognised within the DTA 2010 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*'. Immediately to the west lies the '*Lower Glen Shee*' landscape unit within the '*Lower Highland Glens*' landscape type. The DTA study considers the '*Forest of Alyth*' landscape unit within which Green Burn 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

- 209 A study area for the LVIA of 35km from the outermost turbines was agreed following consultation and it complies with SNH recommendation for turbines between 101 and 130m to tip height. 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, as is normal practice.
- 210 The cumulative search area extends to 60km in accordance with SNH guidance. The detailed cumulative assessment encompasses a 35km study area. There is a 10km study area for Core Paths, and a Residential Visual Amenity Assessment is undertaken within a 5km study area as requested by PKC. All of this is adequate to enable an assessment of likely significant effects.

Methodology and Approach

- 211 The scope of the LVIA is presented in the ES Volume 2, Annex A: Landscape and Visual Amenity. The LVIA considers the effects on “visual amenity that would be caused by changes in the appearance of the landscape as a result of the development”. This is considered confusing as GLVIA3 distinguishes between assessing effects on specific views and on general visual amenity (meaning the overall pleasantness of the views that people enjoy of their surroundings) experienced by people. LVIA usually comprises two components: assessment of landscape effects and assessment of visual effects (not just visual amenity) as stated in GLVIA3. This is more a matter of terminology than methodology.

Visualisations

- 212 Of the 26 representative viewpoints included in the LVIA, 20 are within PKC, with 3 in the Cairngorms National Park to the north and 3 within Angus to the east and southeast. The 20 PKC viewpoints are considered adequate to gain an impression of how the Green Burn Wind Farm would be perceived in the Perth and Kinross landscape. However, additional viewpoint(s) within the ZTV to the north of Green Burn could have been provided to illustrate potential effects from parts of the CATERAN Trail (in particular as it runs close to the A93 within the Cairngorms National Park) and Scottish Hill Track Alyth to Glenshee. Following feedback provided by consultees and Bayou Bluenvironment Limited on the LVIA, the SEI includes an additional viewpoint VP27 CATERAN Trail north of Lair.
- 213 Visualisation methodology refers to the preparation of visualisations to meet PKC and SNH standards. This includes the most recent SNH document ‘*Visual Representation of Windfarms Good Practice Guidance*’, Version 2.1, December 2014. This updated version draws on the considerable experience gained in assessing and representing wind farms since Version 1 (2006) 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 have been produced that relatively accurately represent the likely view of the proposed development that would be experienced or observed from a view point. A Viewing Pack showing single frame photomontage images within a 270 horizontal field of view from 12 viewpoints is provided in accordance with the SNH December 2014 visualisation guidance.

- 214 Viewpoints are identified on A3 sheets at 1:25,000 scale making identification of their location very clear. For viewpoints up to 15km from the nearest proposed turbine there is a series of panoramic (stitched) photographs of the existing view and cumulative wireline views below (the number depending upon the extent of the panorama) showing the Green Burn turbines with operational, consented, application and appeal schemes in different colours to make easy reading. A further wireline with a smaller horizontal field of view is provided, and a photomontage shows the same panoramic view illustrating the appearance of Green Burn within the existing landscape (with Drumderg turbines where visible in the same view). Photomontages are not provided for more distant views.
- 215 Careful on-site interrogation of photomontages included in the Viewpoint Pack was undertaken to ascertain how accurately they represent the operational Drumderg Wind Farm, which also gave an indication of whether the Green Burn photomontages accurately represent the scale of the proposed turbines as likely to be actually perceived from each viewpoint. It is considered that the images in the Viewpoint Pack relatively accurately show the view that would be perceived from the viewpoints included in the pack. It should be noted that the 'existing views' shown in Volume 4 of the ES provide landscape and visual context only and do not accurately represent the existing view i.e. the size of features in the landscape, including the existing Drumderg wind turbines, are reproduced smaller than actually perceived by the human eye.

Assessment of Landscape and Visual Effects

- 216 The LVIA assesses landscape and visual effects by separately evaluating landscape and visual sensitivity (on a 4-point scale of high, medium, low and negligible), susceptibility to change (on a 3-point scale high, medium and low) and landscape value, against the magnitude of change brought about by the development (on a 4-point scale of substantial, moderate, slight and negligible). This approach follows guidance within GLVIA3.
- 217 Criteria are given to explain different levels of magnitude of change. It is noted that there is a big jump from a 'substantial change', defined as a substantial change to the baseline condition, and a 'moderate change' defined as localised change within an unaltered context. Furthermore, the difference between a 'moderate change', 'slight change' defined as change similar to the baseline, and a 'negligible change' defined as a change that may be barely distinguishable, is small as these definitions are very similar. This approach in the LVIA increases the possibility that not all potentially significant effects have been recorded.
- 218 Essentially four levels of significance of landscape and visual effects are possible (on a scale of major, moderate, minor and none) although split categories (of major/moderate, moderate/minor, minor/negligible and minor/none) increase the different levels of potential significance to eight. Significance levels are determined by way of a matrix table, with explanatory text.

- 219 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 'major' and 'major/moderate' effects are equivalent to a "significant effect as referred to in the EIA (Scotland) Regulations 2011" (and thus effects below these thresholds are "not significant in terms of the EIA (Scotland) Regulations 2011").
- 220 It is common practice in some LVIAs to state that 'moderate' overall 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 slight magnitude of change on a highly sensitive receptor, or a substantial magnitude of change on a receptor of low sensitivity, as significant. However, it is noted that no such extension of potentially significant effects is included in the Green Burn LVIA which could underplay the significance of landscape and visual effects. Furthermore, in accordance with GLVIA3 it should also be made clear that effects not considered to be significant will not be completely disregarded.
- 221 To aid the assessment of landscape effects, the LVIA attributes a value to the landscape e.g. the *Forest of Alyth* landscape character unit is considered to be of medium value. The LVIA lists a range of factors that can help in the identification of valued landscapes (where there is no landscape designation), such as scenic quality, rarity etc. The list is reproduced from GLVIA3. However, no criteria are provided to indicate how these considerations are attributed to the different levels of value. Guidance within GLVIA3 is clear; *that the determination of value requires definition of the criteria and factors that are considered to confer value on a landscape or on its components... Assessment of the value attached to the landscape should be carried out within a clearly recorded and transparent framework so that decision making is clear.* Throughout the LVIA there is confusion where 'value' and 'sensitivity' appear to be interchanged and where they are apparently referring to the same thing. For example, Table 6.1 Summary of Significant Effects refers to value and not sensitivity, whilst Table A12 Summary of Residual Effects...refers to sensitivity and not value. Guidance within GLVIA3 makes it clear that establishing value is just one step in reaching a judgement on overall sensitivity of landscape and visual receptors. This approach in the LVIA reduces confidence in its findings.
- 222 It is noted that some of the values recorded in Table A9 (page A-36) are not the same as those recorded in Table 6.1 Summary of Significant Effects (in ES Volume 1) e.g. in Table A9 the value of *Glen Shee* landscape unit is recorded as medium but in Table 6.1 it is shown as high.
- 223 No value appears to have been attributed to the Highland Boundary Fault at the transition of the *Forest of Alyth* and *Alyth Foothills* landscape units. Furthermore, a medium value is attributed to Kinnoull Hill despite it being identified as an iconic viewpoint within the 2010 DTA study and despite its location within the Sidlaw Hills Special Landscape Area. For these reasons a high value would seem appropriate.
- 224 Of the twenty six viewpoints assessed, all are considered to have a high value in the LVIA with four exceptions that have a medium value attributed to them including VP7 and VP16; however, VP7 is Kinpurney Hill with a tower/fort and panoramic views and high recreational value; and VP16 is Pitcarmick Loch of high value to walkers on the Cateran Trail recreational route.

Assessment of Cumulative Landscape and Visual Effects

- 225 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. Slightly different criteria are adopted to ascribe cumulative magnitude of change. The assessment of cumulative visual effects involves reference to the cumulative visibility ZTV maps initially covering a 60km radius search area.
- 226 The detailed cumulative assessment includes all operational, consented and 'in planning' wind energy schemes within a 35km radius of Green Burn Wind Farm. The most relevant are considered to be those wind farms (as opposed to single wind turbines) within 5-6km of Green Burn, 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).

Residential Visual Amenity Assessment

- 227 A separate residential visual amenity assessment has been undertaken to identify any location within the ZTV within 5km of the nearest turbine with the potential to have an overbearing effect and/or result in unsatisfactory living conditions, leading to a property being regarded as an unattractive place in which to live. Nearby properties were grouped together for the assessment, with several groups being located within the Glen Shee valley to the west, northwest and south of Green Burn.

Landscape and Visual Baseline

- 228 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.
- 229 With regard to the landscape baseline, the LVIA focusses on landscape receptors within 10km, including the Cairngorms National Park, whilst including consideration of National Scenic Areas and Wild Land within a wider study area at a distance of 10-35km from Green Burn. Only brief reference is made to the HBF, and no attempt has been made to illustrate its alignment relative to the proposed Green Burn development nor to assign any sensitivity to it, despite it being raised by SNH in consultation and despite it being referred to in the 2010 DTA study as a highly sensitive landscape feature with a sensitive visual compartment 2km on the highland side (to the north) and 5km on the lowland side (to the south). The southern-most turbines at Green Burn Wind Farm would probably just be located within the 2km sensitive visual buffer to the north of the HBF.

- 230 The LVIA refers to various landscape character types/landscape character units (LCU) within the study area, taken from the Tayside LCA 1999. It refers to eight LCUs which have the potential to be affected by the development. However, it does not specifically refer to the tract of *Highland Summits and Plateaux* lying between *Lower Glen Shee* and *Strathardle* (referred to in the DTA 2010 study as *Knock of Balmyre* landscape unit, even though VP18 is within this landscape unit), nor the *Forest of Clunie* landscape unit within the *Highland Summits and Plateaux* to the west of *Strathardle*, despite these lying within the ZTV and within 10km of Green Burn.
- 231 The LVIA concludes that the *Forest of Alyth* LCA within which Green Burn would be located is of medium landscape value/ sensitivity where development would not significantly affect key landscape characteristics of the wider *Highland Summits and Plateaux* LCT. This analysis is generally in line with the 2010 DTA report with regard to landscape sensitivity. The neighbouring *Glen Shee* within the *Highland Glens* LCT is considered to have high value/sensitivity in the LVIA due to its more intimate, enclosed landscape and variety of landscape elements.
- 232 With regard to the visual baseline, the LVIA draws upon the ZTVs and viewpoint analysis to focus on local receptors such as views from properties, transport routes including the A93 National Tourist Route, long distance recreational routes including the Cateran Trail and National Cycle Route No's. 7 and 77, Core Paths and the 'iconic viewpoints' of King's Seat/Birnam Hill, Kinnoull Hill and Ben Vrackie. The LVIA notes that Scottish Hill Tracks and ScotWays Heritage Paths lie within the study area. Three tourist destinations lie within the study area and the hill walking summits of Hill of Alyth and Mount Blair are included in the assessment. Sequential assessment was undertaken along a number of routes, including the Cateran Trail, A93, A923, A94 and A984.
- 233 The ZTV is very similar to the ZTV of the existing Drumderg Wind Farm, with locations where Green Burn would be seen without Drumderg limited to the A93 corridor through Glen Shee for a distance of approximately 10km, and the A923 corridor between Blairgowrie and Coupar Angus approximately 15km to the south. The cumulative ZTV of the consented Tullymurdoch with Drumderg Wind Farm is also very similar to the theoretical visibility of Green Burn combined with Tullymurdoch (however, it should be noted that the cumulative ZTVs with Tullymurdoch will be slightly different due to the consented modifications to the dimensions of the approved scheme referred to in paragraph 20 above).
- 234 The LVIA does not appear to provide a conclusion on the landscape capacity of the application site to accommodate the Green Burn Wind Farm. There appears to be no reference to the DTA 2010 report in terms of landscape sensitivity and capacity; that report considers the *Forest of Alyth* landscape unit within this part of the *Highland Summits and Plateaux* LCT to be of medium sensitivity and capable of accommodating a scheme comprising up to 20 turbines approximately 120m to blade tip in addition to the existing Drumderg Wind Farm. However, 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 HBF, 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.

- 235 Furthermore, the 2010 DTA study suggests that to limit visual impact from the A93 and A924, and on the HBF, there is the potential for an extension of Drumderg or a new wind farm to the north of Drumderg, where new development is of similar scale to Drumderg in terms of height and spacing of turbines and is demonstrably compatible with it. Green Burn Wind Farm would be located to the northwest of Drumderg, closer to the A93 but almost entirely beyond the sensitive visual buffer extending 2km north of the HBF as identified within the DTA 2010 report.
- 236 Part of *Lower Glen Shee* also lies within the zone to the north and west of Drumderg considered within the 2010 DTA report as having some potential for wind energy development. However, the DTA report recognises that the enclosed nature of the glen is of higher sensitivity and where a new development should be limited to a small wind farm (8-12 turbines up to approximately 100m), a cluster (3-7 turbines up to approximately 120m) or a cluster of smaller turbines (3-5 turbines up to approximately 75m).

Landscape Assessment, including Cumulative Landscape Effect

Assessment of Green Burn Wind Farm

- 237 The SEI states that there will be some slight changes in appearance of the wind farm in the same landscape character types as those referred to in the ES, but that there would be no change to the level of effects on landscape character predicted for the revised Green Burn Wind Farm from those presented in the ES.
- 238 Significant landscape effects are predicted within the *Forest of Alyth* landscape unit within the *Highland Summits and Plateaux* LCT, and within the *Glen Shee Middle Highland Glen* and *Lower Highland Glen* LCTs. The SEI states that there would be no significant effects on designated landscapes in the study area, the same as reported in the ES.
- 239 The SEI includes an additional viewpoint VP27 CATERAN TRAIL north of Lair. No significant landscape or visual amenity effects, including cumulative effects, are assessed in the SEI LVIA for VP27.
- 240 The SEI LVIA predicts major or major-moderate and significant visual effects at eight viewpoints, VPs 1, 4, 8, 12, 15, 17, 18 and 21. No significant effects on the remaining nineteen viewpoints are predicted, with effects ranging between moderate and negligible. This is unchanged from the ES LVIA.
- 241 With regard to residential visual amenity, 89 individual and group residential receptors were assessed in the SEI, with significant effects predicted to occur at 26 residential properties or groups of properties. This is a reduction from the 28 residential properties noted in the ES. No visual effects on residential properties are considered to be overbearing or overwhelming in the SEI, the same as in the ES.

- 242 No significant effects on the visual amenity of settlements are predicted in the SEI, unchanged from the ES LVIA.
- 243 Of the forty two sequential routes assessed, significant effects are predicted for localised parts of both the A93 road in Glen Shee and the Catheran Trail. The additional work carried out in respect of the SEI LVIA has resulted in refinement of the ES LVIA in respect of the magnitude of change and effects for the A93, where the effects of the development for road users on the A93 throughout the remainder of the study area are predicted in the SEI LVIA to be not significant. Effects on all other sequential routes remain unchanged from the ES LVIA, with no significant effects predicted.
- 244 With regard to cumulative landscape and visual effects, the SEI updates the cumulative situation where schemes that were previously going through the planning system (and thus included in the cumulative LVIA in the ES) but are no longer relevant are not now included. Of the six proposed wind farms included in the ES, only Crossburns and Dulater Hill remain within the planning system and are thus relevant to the cumulative SEI assessment. However, the most relevant are considered to be those wind farms (as opposed to single wind turbines) within 5-6km of Green Burn, 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). The SEI considers that there would be no additional cumulative effects on landscape character since Crossburns and Dulater Hill are located outside the *Forest of Alyth* landscape unit of the *Highland Summits and Plateaux* Landscape Character Type within which Green Burn Wind Farm would be located.
- 245 The cumulative ZTV of the revised Green Burn with Drumderg is very similar to the cumulative ZTV of the Green Burn proposal in the ES with Drumderg, with very limited additional visibility of turbines within the study area.
- 246 Of the forty-two sequential routes assessed as part of the cumulative sequential route assessment in the SEI, significant effects are predicted for localised parts of both the A93 road in Glen Shee and the Catheran Trail where Green Burn turbines would be seen in combination with Drumderg, Welton of Creuchies, and Tullymurdoch.

Landscape Character including Cumulative Effects

- 247 Both the ES and SEI LVIA predict significant adverse landscape effects on the *Forest of Alyth* landscape unit within which Green Burn would lie, and on the *Lower Glen Shee* and *Mid Glen Shee* units to the north and west (coinciding with the southern edge of the Cairngorms National Park). Viewpoints 1, 4, 8, 12, 15, 17, 18 and 21 are relevant.

- 248 The *Forest of Alyth* landscape unit is part of the wider *Highland Summits and Plateaux* LCT where landscape effects are likely to be localised, affecting the landscape unit for approximately 7-8km from Green Burn Wind Farm with no effects on the key characteristics of the extensive LCT. The neighbouring *Glen Shee* within the *Highland Glens* LCT is of high value/sensitivity due to its more intimate, enclosed, medium to small scale landscape where views to distinct rocky summits are framed by the steep-sided glen, and the variety of landscape elements. The effect of wind turbine proposals on higher ground which are visible from within the glen is recognised in the Tayside Landscape Character Assessment (1999) as a particular sensitivity of the glen requiring careful consideration.
- 249 The *Highland Foothills* LCT to the south is a transitional landscape between the lowlands and highlands, although the Highland Boundary Fault is not so pronounced or distinctive in this location as elsewhere. Green Burn Wind Farm will add to the cluster of operational and consented wind farms within this transitional landscape (Drumderg, Tullymurdoch and Welton of Creuchies) adding to the cumulative effects of development on the *Alyth Foothills* landscape unit within the wider *Highland Foothills* LCT, with significant effects extending to approximately 8-9km. Viewpoint 5 is relevant.
- 250 Despite the applicant's changes to the wind turbine design and layout of Green Burn Wind Farm, it is considered that significant effects on landscape character of the original scheme as assessed in the ES will remain. As stated within the SEI, there would be no significant effects on designated landscapes in the study area, the same as reported in the ES.

Visual Impact including Cumulative Effects

- 251 The SEI acknowledges that despite changes to the wind turbine design and layout, significant visual effects as reported in the ES will remain with the revised scheme, extending to approximately 9km. Of the eight representative viewpoints with predicted significant effects, six are within Glen Shee along the A93 road corridor. Two of these are also from the CATERAN Trail, northeast of Blairgowrie and south of Bridge of Cally, with significant visual effects on this long distance recreational route extending beyond the glen to the east around Drimmie and Heatherhaugh. The remaining viewpoint predicted to experience a significant effect is from the summit of Mount Blair to the north, from where there are panoramic views in all directions.
- 252 A sequential routes assessment in the SEI predicts that visibility from the A93, A923, A94, A984 and the CATERAN Trail will be very similar to that predicted in the ES for the original schemes design and layout.
- 253 Of the eight representative viewpoints with predicted significant effects, Green Burn would appear as a separate wind farm from four viewpoints (VPs 1, 4, 8 and 12) where it would be seen in combination with Drumderg. From one viewpoint Green Burn is likely to be viewed as an extension to Drumderg (VP 18). From three viewpoints Green Burn would be seen as a new wind farm with no other wind farms in the view (VPs 15, 17 and 21).

- 254 The A93 is a principal tourist and amenity route into and out of the Cairngorms National Park and is being promoted by the Scottish Government as a National Scenic Route 'Snow/Ski Road'. Green Burn would intermittently introduce new views of turbines for approximately a 10km stretch of the road travelling southwards within Glen Shee, which is currently unaffected by views of large man-made structures (as seen from VP's 15, 17 and 21). They would appear prominent on the skyline and detract in views to the rocky summits that frame the steep-sided glen. Aesthetic and perceptual qualities of the natural landscape currently experienced by large numbers of road users along this popular route would be significantly affected by the scale and movement of the turbines.
- 255 In relation to the residential visual amenity assessment, of the 89 individual and grouped residential receptors assessed the SEI predicts that there would be no change to the assessment findings presented in the ES (however SEI Volume 1 contradicts this by stating that there would be significant effects at 26 residential properties or groups of properties, reduced from 28 within the ES). None of the effects are predicted to be overbearing in the SEI.
- 256 As referred to in Bayou Bluenvironment's review of the ES LVIA in April 2016, it is noted from the residential visualisations that for many of the properties potential significant effects would result from views of Green Burn where there are currently no views or isolated or reduced views of only some of Drumderg turbines. There are a number of properties within 2km from where most or all of the Green Burn turbines would be seen and where Green Burn and Drumderg would occupy a significant part of the field of view. The turbines are likely to generally constitute an oppressive presence and affect the enjoyment of gardens.
- 257 Effects of the revised turbine design and layout at key viewpoints within the SEI compared to the ES are provided as follows:
- VP1: SEI revisions are similar to the ES and will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
 - VP4: the revised wind farm within the SEI is more dispersed with turbines 3 and 9 more divorced from the main wind farm than in the ES. SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
 - VP5: SEI revisions are an improvement where Green Burn appears better related to Drumderg with a more satisfactory visual relationship. Adverse visual effects are unlikely to be significant.
 - VPs 6 & 7: SEI revisions are similar to the ES with a marginal improvement where Green Burn appears better related to Drumderg with a more satisfactory visual relationship. Adverse visual effects are unlikely to be significant.
 - VP8: SEI revisions are an improvement where Green Burn has a more simplified image and appears better related to Drumderg, with a more satisfactory visual relationship. However, SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
 - VP9: SEI revisions are similar to the ES with a marginal improvement where Green Burn appears better related to Drumderg with a more satisfactory visual relationship. Adverse visual effects are unlikely to be significant.

- VP10: SEI revisions are similar to the ES with a marginal improvement where Green Burn appears better related to Drumderg with a more satisfactory visual relationship. Adverse visual effects are unlikely to be significant at a distance of approximately 18km.
- VP12: SEI revisions are an improvement where Green Burn appears better related to Drumderg, more in scale and with a more satisfactory visual relationship. However, SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
- VPs13 & 14: SEI revisions are similar to the ES. Adverse visual effects are unlikely to be significant at distances of approximately 20km.
- VP15: the revised wind farm within the SEI is more dispersed with turbine 11 further divorced from the main wind farm than in the ES. SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
- VP16: SEI revisions are similar to the ES with a marginal improvement where Green Burn appears better related to Drumderg with a more satisfactory visual relationship. Adverse visual effects are unlikely to be significant.
- VP17: the revised wind farm within the SEI is more dispersed than in the ES (as shown in the wireframes although not so evident in the view due to forestry). SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
- VP18: the revised wind farm within the SEI is more dispersed with turbine 9 further divorced from the main wind farm than in the ES, extending the extent of visible turbines. Furthermore, all eleven turbines are visible whereas only ten were visible in the ES. SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
- VPs 19 & 20: SEI revisions are similar to the ES. Adverse visual effects are unlikely to be significant at distances over 20km.
- VP21: SEI revisions are similar to the ES with a marginal improvement; however SEI revisions will not reduce landscape and visual impacts. Significant effects remain as assessed in the SEI.
- VP24: SEI revisions are similar to the ES. Adverse visual effects are unlikely to be significant at a distance of over 20km.
- VP26: SEI revisions are imperceptible from Kinnoull Hill at a distance of 32km.
- VP27: a new viewpoint included in the SEI (not in the ES) from the Cateran Trail in the Cairngorms National Park. Theoretical visibility extends to almost 3km along this part of the trail and although views will be intermittent of limited numbers of turbines between forestry and woodland, landscape and visual effects are likely to be significant where the turbines introduce new views of tall man-made structures within a highly sensitive landscape. The turbines would appear prominent on the skyline and detract in views that would be funnelled towards the wind farm by the rocky summits that frame the steep-sided Glen Shee. Aesthetic and perceptual qualities of the natural landscape currently experienced by walkers along this popular route would be significantly affected by the scale and movement of the turbines.

Independent Landscape Consultant's Conclusion.

- 258 Revisions to the wind turbine design and layout within the SEI have generally provided a marginal improvement to the application scheme within the ES, in terms of landscape and visual effects. The layout of the turbines generally relate better to the scale of the landform and skyline. In some views Green Burn now appears better related to Drumderg with a more satisfactory visual relationship. In other views, however, Green Burn still provides a more complicated image than Drumderg, whilst in others the revised layout is more dispersed, extending the spread of turbines to that shown within the ES.
- 259 As acknowledged in the applicants SEI, the modified design and layout will not reduce significant landscape and visual effects along key tourist and recreational routes, in particular from the A93 through Glen Shee and from the Catearan Trail, and at a number of residential properties, where significant effects as assessed in the ES will remain.

Scottish Natural Heritage's Landscape Advice

- 260 SNH's initial response was that Green Burn would extend the existing pattern of wind farms in the area but the addition of Green Burn to this baseline would not result in a significant exacerbation of the existing cumulative impacts.
- 261 The proposal would however introduce wind farm visibility into areas of the Cairngorms National Park currently unaffected by any of the developments mentioned above. This will include the A93, an important gateway to the National Park, and the Catearan Trail, one of Scotland's Great Trails. It was considered that adverse impacts on these receptors would be limited in extent and could be partly mitigated by amendments to the design of the proposal. They advised that there was scope to improve the layout to allow a more consistent design with the neighbouring developments and to improve views from within the National Park.
- 262 Following the applicant's decision to reduce the turbine heights and position changes their advice however remains largely unchanged from the initial response of November 2015. The addition of Green Burn to this baseline would not result in a significant exacerbation of the existing cumulative impacts.
- 263 Green Burn would introduce views of a wind farm to lower altitude ground within upper Glen Shee, including the A93, a popular gateway to the Park, and the Catearan Trail. Additionally it would add to wind farm visibility from several popular mountain summits in the Park.
- 264 SNH welcome the further mitigation measures that have been taken, and note that the reduction in height and the revised micro-siting has resulted in improvements to the scheme, by reducing its prominence on the skyline and presenting a more balanced appearance.

- 265 However, SNH agree with the SEI that landscape impacts from this area are still significant, as the turbines remain prominent on the skyline and would distract from views of the landscape. Similar impacts would be experienced intermittently when travelling south along an approximately 10km long stretch of the A93 and also on a short stretch along the Cateuran Trail. SNH also agree that in some sections along this stretch of the A93 there would be significant adverse effects on the experience of the Special Landscape Qualities. However, these effects would be experienced intermittently, from a limited area. Therefore, SNH's view is that the adverse effects of the development - as experienced from the A93 within Glen Shee - although significant, would be limited.
- 266 The proposal would still introduce wind farm visibility into areas of the Cairngorms National Park currently unaffected by any wind farm developments. Whilst SNH have not formally objected to the proposal, this should not be interpreted as support either. Despite the changes it remains clear that they still have significant landscape and visual impact concerns.

Cairngorms National Park Authority (CNPA)

- 267 Cairngorms National Park Authority (CNPA) initially objected to the proposal and whilst they also note that the changes go some way to reduce the landscape impacts, the SEI still demonstrates that Green Burn wind farm would have a significant adverse effect on the Special Landscape Qualities (SLQs) experienced within Glen Shee, particularly from the A93 a key and well used route into and out of the National Park, and which is currently being promoted by the Scottish Government as a National Scenic Route (Snow/Ski Road).
- 268 Despite the revised turbine specification and layout, the turbines remain prominent on the skyline and would distract from views of the landscape from within Glen Shee. Therefore it is considered that the experience and understanding of the SLQs would be compromised by the development.
- 269 Whilst it is accepted that the experience of these effects would be from a limited area of Glen Shee, being a relatively small part of the National Park, the area is nevertheless one of many important individual components that contribute to the special qualities of the National Park which was designated for its natural and cultural heritage and is of national importance. Therefore it is considered that any development that would compromise the integrity of the Glen Shee area to a significant degree, would compromise the integrity of the National Park as a whole.
- 270 CNPA consider that the significant adverse effects from the development, as experienced within Glen Shee and from the A93 National Scenic Route, are contrary to the relevant provisions and intent of Scottish Planning Policy and the Cairngorms National Park Partnership Plan (2012-2017) and maintain their objection.
- 271 The applicant has raised concern in the process CNPA have taken in arriving at their consultation response, it is still nonetheless an objection from a key consultee in the assessment of this proposal and their view must be afforded significant material weight.

272 Taking account of the advice provided by SNH, CNPA 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 Glen Shee in the Cairngorms National Park. Furthermore, the scheme will have unacceptable visual impacts on nearby residential, recreational and tourist receptors. Accordingly the proposal is considered 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

- 273 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 33MW. 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. The applicant has used a 28.9% capacity factor (based on 2014 Digest of UK Energy Statistics).
- 274 With regards to emissions the wind farm would avoid the emission of approximately 90,538 tonnes of CO₂ per year. Taking account of manufacture, construction and decommissioning of the windfarm the payback period has been calculated to be 11 months.
- 275 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.
- 276 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.
- 277 In terms of tourism impact much of the representations submitted (including John Muir Trust and SCOTWAYS) expressed concern about the impact the proposal will have on tourism including within the Cairngorms (Glen Shee) and in particular the Catheran Trail. The applicant commissioned the Moffat Centre, an independent tourism research centre to produce a detailed report about wind farms and their impact on tourism. This report specifically relates to the impact of the Green Burn Wind Farm proposal and Perth and Kinross. The report provides comparative information on the economic and tourism performance of the study area and includes analysis of the impact of Green Burn wind farm on local tourism.

- 278 The report concludes that Green Burn wind farm will have a negligible impact on local tourism and in the wider area. The report suggests that the proposed development will have a low impact on tourist's decision to visit the region again.
- 279 Despite the Tourism Report by the Moffat Centre it is considered there is still too much uncertainty as to the actual socio-economic impact that the proposed wind farm will have on the region including within the Cairngorms.

Outdoor Access

- 280 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.
- 281 There are no Rights of Way within or through the site. The Catheran Trail/core path is east, west and south of the site (2km at nearest). Scottish Rights of Way and Access Society (SCOTWAYS) object to the proposal as they are concerned about adverse impact on the enjoyment of outdoor activities in the area and they challenge the applicant's assumption on limited detrimental impact on tourism economy.
- 282 Standard consultation advice from 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

- 283 In terms of the wider economy, the economic benefits associated with wind farms are detailed in the applicant's submission. This highlights that jobs will be created during the construction, operation and decommissioning of the windfarm.
- 284 Whilst the turbines will not be manufactured in the United Kingdom, 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.

- 285 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*.
- 286 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.
- 287 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

- 288 None required.

DIRECTION BY SCOTTISH MINISTERS

- 289 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 290 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 Cairngorms National Park Authority, relevant appeal decisions in western Perthshire along with representations made both in support and in opposition to the proposal.
- 291 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.
- 292 However, despite a reduction in the number of objections from consultees such as the MOD and JRC plus a recognition that a reduction in turbine heights by 11.5 metres and re-positioning of four turbines is an improvement on the initial proposal, there are still considered to be significant and unacceptable adverse landscape and visual impacts from the scheme especially from within Cairngorms National Park and the special landscape quality of Glen Shee in particular, the A93 tourist road into and out of the Cairngorms and from the Catearan Trail.

- 293 It is also considered that for many nearby residential properties potential significant effects would result from views of Green Burn where there are currently no views or isolated or reduced views of only some of the Drumderg turbines. There are a number of properties within 2km from where most or all of the Green Burn turbines would be seen and where Green Burn and Drumderg would occupy a significant part of the field of view. The turbines are likely to generally constitute an oppressive presence and affect the enjoyment of residential properties including gardens.
- 294 In relation to noise there still appears to be too much uncertainty as to the potential impact on surrounding properties even if they are financially involved or not. In theory it is agreed that it may be possible to mitigate but in reality may be difficult to achieve. However because in theory noise mitigation is achievable, noise is not considered to be a reason for a recommendation of refusal.
- 295 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.
- 296 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, having regard to landscape character and setting within the immediate landscape and wider landscape character types. Accordingly the proposal is 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. Accordingly the proposal is 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.

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 there from.

C PROCEDURAL NOTES

None.

D INFORMATIVES

None.

Background Papers: 162 Letters of representation; Independent Landscape Consultants Assessments April 2016 and November 2016

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Date: 28 January 2017

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INTERIM HEAD OF PLANNING

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