

TCP/11/16(251)

Planning Application 12/02067/FLL – Erection of a wind turbine and associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

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Mark this box to confirm all contact should be
through this representative: ☒

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

12/02067/FLL

Site address

LAND 800m NORTH EAST OF ROUNDLAW FARM COTTAGE
TRINITY GASK

Description of proposed
development

ERECTION OF WIND TURBINE AND ASSOCIATED
INFRASTRUCTURE

Date of application

28 NOVEMBER 2012

Date of decision (if any)

04 FEBRUARY 2013

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

FARM SECURITY

Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED STATEMENTS

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

Yes

☐

No

☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. Review Statement with 3 Appendices
2. Precis of Review Statement.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

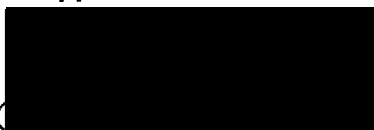
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

3 May 2013

Trinity Gask Wind Turbine Precis of appeal submission

This document has been prepared to assist the LRB with a bullet point summary of the appellants key points in submission:

INTRODUCTION

- This is a single, medium scaled wind turbine proposal;
- The turbine would be 50m to hub and 67m to blade tip;
- The turbine would be sited on land at Trinity Gask;
- The proposal constitutes a farm diversification project for the Trinity Gask Estate, a key local employer;

POLICY CONTEXT

- The proposal would meet the Scottish Government objectives for the delivery of medium and smaller scale renewable technologies;
- The proposal would accord with the broad objectives of Development Plan Policies for wind energy development;
- The proposal would meet the Scottish Government objective of delivering opportunity for small businesses to invest in ownership of renewable energy projects;
- The proposal would make a meaningful contribution towards the Scottish Governments commitment to carbon reduction targets and the delivery of energy from renewable resources;

- Development Plan policy encourages the use of the TLCA in appraising development proposals;

ECONOMIC JUSTIFICATION

- The turbine proposal would deliver an important sustainable economic development project;
- The proposal would ensure the long term viability and security of a key local employer;
- The proposal would provide energy security for the Estate;
- The proposal would assist the delivery of planned eco-tourism development elsewhere on the Estate;
- The appellants to use local contractors and Local consultancy services would deliver significant Local economic benefits;
- Because of high grid connection costs and a constrained wind flow, a smaller turbine as an alternative would render the project un-viable;

LANDSCAPE IMPACTS

- The landscape around and including the appeal site is not protected by any conservation designation;
- The Council's own landscape guidelines (Tay Landscape Character Assessment) confirms that the appeal site falls within an area which has the capacity for wind related development;
- The TLCA confirms that this part of Strathearn has potential for wind energy development and could serve to protect more sensitive landscape's elsewhere in Perthshire;
- Changes to the proposal were made prior to application submission and met with the support of the planning officer;

- Turbine position has been carefully selected to take advantage of natural forestry screening bordering the site on 3 sides;
- From some directions the turbine would be viewed against a backdrop of higher ground;
- Confirmation has been secured that the woodland will remain in place for 20 years;
- A comprehensive, professionally prepared landscape appraisal accompanies the planning application. That appraisal has been prepared following inspection in the field and incorporates a number of photomontage visual presentations;
- The appellants submitted landscape appraisal has been completed in accordance with the good practice guidance prepared by SNH;
- The proposal would secure an acceptable relationship to surrounding residential properties;
- The Council's Landscape Officer comments are limited in their extent. Those comments do not respond to the appellants professionally prepared Landscape Consultant Report;
- The proposal would not impact on Clathy;
- The proposal would not impact on Glen Eagles Hotel and Designed Landscape;
- The proposal , being of *medium* scale is significantly smaller than the turbines referred to in the Council's Landscape Officer comments;
- The *medium* scale of the proposal would meet the TLCA guidance objective of reinforcing the transition from upland to lowland landscape;

REPRESENTATIONS

- Significant local support for the project has been lodged;
- More than 50% of those letters submitted are in support of the proposal
- Material points raised in support letters have not been captured in the planning officers report and are given no weight in the decision

CONCLUSIONS

- Important planning considerations of economic and sustainability benefits have not been considered by the planning officer;
- The appellant has adopted a constructive and conservation based approach to the delivery of a renewable energy proposal in this location;
- The advice of the planning officer at pre-application meetings has been followed;
- The submitted Landscape Appraisal follows good practice guidelines;
- The Council's Landscape Officer has given limited consideration to the proposal and offers no response to the appellants professionally prepared and detailed Landscape Appraisal;
- The appellant requests that the LRB inspect the site and surrounds before finalising a decision on this appeal.

Trinity Gask Wind Turbine

INTRODUCTION

A single, three bladed wind turbine is proposed with a height of 50m to hub and 67m to blade tip, together with ancillary works comprising control kiosk, access tracks and borrow pit. The proposal is a *medium scale* wind turbine. The turbine would be sited on land at Trinity Gask.

This report has been prepared as a supporting document to an appeal to PKC Local Review Board by Mr J Roberts. This appeal responds to the officer Delegated decision to refuse planning application Ref. No. 12/02067/FLL.

The appeal will rely on the papers submitted in support of the Planning Application together with the comments set out in this Statement. It is not the intention to duplicate the environmental information set out in the planning application. That information is comprehensive and, in the appellant's opinion, provides a full justification in support of the proposal. However it is the considered view of the appellant that:

- the proposal is consistent with the broad objectives of the development plan and national planning guidance;
- the Officer Report of Handling gives insufficient weight to a number of important and material planning issues;
- clarification of a number of material matters would benefit the LRB's consideration of this proposal;
- insufficient weight has been given to the considerable volume of support and to the issues raised in those representations.

It will be noted from the Officer Report of Handling that no objections have been raised by Consultees in relation to any of the specific detailed material considerations raised by this proposal. As a consequence this appeal statement will focus only on those specific matters referred to in the refusal reasons together with the following:

- Policy Context
- Economic Justification

- Landscape Impacts
- Representations

It will be demonstrated that the proposal:

- represents a considered and balanced approach to the delivery of renewable energy in a manner which has regard to local landscape character,
- would make a meaningful contribution to the delivery of national targets for the generation of energy from renewable sources;
- would deliver significant economic benefits to the business of Trinity Gask Estate and the local economy;
- represents an acceptable form of sustainable economic development which is consistent with government guidance and the objectives of the Development Plan;
- enjoys considerable local support; and
- that insufficient weight in the decision making process has been afforded to the economic benefits arising from the proposal.

BACKGROUND

The turbine would be sited on land within the Trinity Gask Estate. The Estate itself is run by the appellant and comprises a 700ha land block, predominantly operated as an arable based farm enterprise. The Estate provides permanent employment for 3 workers together with many temporary employment opportunities generated by seasonal farm operations. The Estate also encompasses a number of residential, holiday and business properties that are let to provide both supplementary farm income and important local business and housing opportunity.

Conservation principles are at the heart of the Estate Management. To this end the appellant has delivered within the holding, over time, significant landscape and building improvements through woodland planting; hedgerow restoration and biodiversity initiatives. Furthermore, property restorations and improvements (often from a derelict status, requiring large financial outlay and including Listed Buildings) have incorporated sustainable build practices such as rainwater harvesting, the use of ground source heat pumps and hemp insulation.

It will be shown that the appellants approach to the appeal project has not been one of development at all costs. Conservation principles have been respected through choice of site and design whilst accepting a reduction in generating potential. The appellant is also a resident of the area and as a

consequence has sought to present a thoughtful and thoroughly researched proposal which could be sensitively integrated into the landscape.

For Conservation reasons the appellant has been firm in his intention to have respect to *place*. As a consequence he has had regard to community concerns and tailored his proposal following earlier discussions with PKC Planners. The appeal proposal, through choice of site and turbine now seeks to deliver for a small business, a modest wind energy development that would be limited in its impacts on amenity and communities, landscape, historic environment and natural heritage interests, and without giving rise to any significant cumulative impacts.

The appellant is firmly of the view that the proposal would deliver sustainable economic development, consistent with both Scottish Government and the Council's view for renewable energy proposals, and in an environmentally acceptable way.

POLICY CONTEXT

National Planning Guidance

Scottish Planning Policy 2010

Whilst the Report of Handling touches on the broad objectives set out in this important Planning document, relevant key guidance has not been referred to. The effects of these omissions is that a narrow landscape focus to the approach of decision making has been adopted in this case with insufficient weight given to other important material planning considerations. Namely the economic benefits arising from the proposal, its importance to an established rural business and its merits as a sustainable economic development initiative.

The following paragraphs from the Guidance demonstrate the proposals consistency with recent Government Planning advice:

Development Management

Para 25 makes clear that planning decisions are required to accord with the provisions of the development plan unless material considerations indicate otherwise. It is advised that:

Where a proposal is in accordance with the development plan, the principle of development should be taken to be established and the process of assessment should not be used by the planning authority or key agencies to revisit that.

Key Point

The environmental and planning report supporting the planning application has demonstrated a development that would accord with the broad objectives of the Development Plan.

Sustainable Economic Growth

Para 33 sets the context for the delivery of sustainable economic growth in Scotland by identifying that:

Increasing sustainable economic growth is the overarching purpose of the Scottish Government.

It is further advised that:

The planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places

The paragraph concludes by advising that:

Achieving sustainable economic growth requires a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth. Planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

The guidance clearly accords emphasis to the economic implications of new development in the planning decision making process whilst adopting a positive approach to sustainable economic growth.

Key Point

In this context the appellant would contend that his proposal would rest comfortably with the Scottish Governments aspirations for the Planning system through the delivery of sustainable economic development.

Para 36 makes clear that:

The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote Development that supports the move towards a more economically, socially and environmentally sustainable society.

Any wind turbine, by its nature, must have a certain exposure to wind to be viable. Invariably optimum sites will be elevated. Such new features may give rise to issues of landscape sensitivity . In this case, the appellant has sought to deliver an environmentally sustainable form of development. Visual impacts are minimised through a sensitive and careful approach to design and site selection.

Economic development

Para 45 identifies that:

Authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.

And further:

The planning system should support economic development in all areas by:

- *taking account of the economic benefits of the proposed development in development plans and development management decisions;*
- *support development which will provide new employment opportunities and enhance local competitiveness.*

Key Point

This is a proposal seeking to take advantage of a new economic opportunity (Feed-in Tariff scheme) whilst ensuring the long-term viability and security of a key local employer. In turn this would enable further investment in tourism related development on the Estate. In addition new local employment opportunity would be provided through the local sourcing of materials and services and through increased employment opportunities on the Estate.

Rural Development

Para 92 advises that the aim should be:

.....to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.

Para 93 identifies that an important role for Development Plans will be to:

..promote economic activity and diversification in all small towns and rural areas , including development linked to tourism and farm diversification whilst ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced..

Key Point

This is a proposal that would sustain the viability and long-term future of Trinity Gask Estate by means of a farm diversification activity whilst delivering broader environmental quality through the a reduction in the use of fossil fuels

Renewable Energy

Para 183 recognises that there is potential for small businesses in rural areas to invest in ownership of renewable energy projects and to develop their own projects for local benefit. It is advised that:

Planning authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable way.

Para 184 in relation to Development Plans it is advised that:

....Development plans should support the wider application of medium and smaller scale renewable technologies such as decentralised energy supply systems, community and household projects.

Para 185 identifies that:

Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Key point

This is a medium scaled proposal to support a small rural business seeking to deliver renewable energy in an environmentally acceptable way. The proposal successfully responds to all detailed planning issues.

In summary, this project would deliver sustainable economic development.

Development Plan Policy

The Report of Handling has reviewed relevant Development Plan policies. It is not proposed to duplicate that information but the following relevant and additional points should be noted.

TAYplan 2012 - Policy 6

Decisions on development proposals are required to be justified on the basis of the specific considerations set out through bullet points within that policy. It may be noted from the details contained in this statement, together with the environmental report supporting the planning application, that the wind turbine proposal at Trinity Gask fully meets those considerations.

Key Point

Bullet point 5 of the policy identifies that any appraisal in relation to sensitivity of landscape should be informed by landscape character

assessments.

Strathearn Area Local Plan 2001

The Plan is now 12 years old and pre-dates the current Government Planning Guidance for renewable energy proposals set out in SPP.

The policy section of the Report of Handling lists all the plan policies relevant to this proposal. However, the focus of the appraisal section is limited to perceived landscape detriment only with policies listed only those which encourage a conservation based approach to the delivery of new development.

This narrow focus is at odds with the broader approach to assessment of development proposals more recently encouraged by Scottish Government as a means of delivering sustainable economic growth through a supportive planning system.

Furthermore it should be noted that the specific Renewable Energy Policy of the Plan (Policy 11) is listed but not referred to in any detail in the appraisal section. That policy seeks to *encourage* the delivery of renewal energy development and may be considered to be more in tune with the very positive support offered by the more recent SPP to increase the amount of Scotland's electricity generated from renewable sources through appropriately sited and designed renewable energy proposals.

Whilst the appraisal section of the Report of Handling makes clear that landscape and visual impacts are key considerations in the determination of any new development proposal, the appellant's position is that this should not be the *only* or necessarily the *primary* consideration. Each case is required to be dealt with on its individual merits.

The appellant can recognise that a new 'point feature' within the landscape would result. The Case Officer regards this as a harmful visual change to landscape character albeit not a *significant* one. He concludes:

In my personal view, contrary to the representations, is that I do not necessarily consider this turbine to have a significant impact on the landscape character of the area (although it may have an impact), as this specific landscape type is in my opinion capable of accommodating some, modest wind developments albeit at a much reduced scale.

The appellant's case will show that the landscape within which the new turbine would be sited can accommodate this medium scale wind proposal. Although a new 'point feature' would result, site characteristics and design would ensure that visual impacts are mitigated to a level where *other material planning*

considerations should be weighted against any perception of visual harm. Accordingly the proposal would not conflict with the planning policies of the Strathearn Area Local Plan.

Key Point

The Local Plan does not reflect prevailing Government support for the delivery of sustainable economic development and in particular the commitment to the delivery of 50% of Scotland's energy by 2020 from renewable sources. Where more up-to-date guidance is available it would be appropriate to accord significant weight to such guidance in any planning decision.

Policy 3

Although Policy 3 is reproduced in full in the Report of Handling, the analysis section of the Report fails to identify that a key requirement of Policy 3 is that proposals deemed to have a significant landscape impact will be assessed against the principles set out in the Tayside Landscape Character Assessment produced by SNH (TLCA). The appellant's case will show that the TLCA recognises the potential for turbine development in this part of Perthshire and the proposal would not result in any significant landscape harm.

Key Point

The landscape character type of this part of Perthshire is recognised by SNH's Tayside Landscape Character Assessment 1999 as **LOWLAND HILLS**

Policy 11

The Renewable Energy Planning Policy within this document has not been explicitly referred to in the appraisal section of the Report of Handling. The LRB should note that:

- The appeal site does not form part of any protected landscape nor is it within or close to any designated site of national, regional or local conservation or archaeological interest;
- Any intrusion into the landscape character of the area would be limited and mitigated by ground profile and established planting;
- Any effects on the amenities of neighbouring occupiers would be limited. In this respect the comments of the Case Officer and consultees in

relation to noise; reflected light and electromagnetic disturbance should be noted;

- The appellant is agreeable to the use of planning conditions or a legal agreement to deliver site restoration works.

The appellant's case will show that the proposal would not conflict with the objectives of this Plan policy.

Key Point

In relation to point (b) it may be noted that the LOWLAND HILLS landscape character type and the appeal site is not the subject of any protective designation.

Proposed Local Development Plan 2012 -

Policy ER1A - This is the most up-to-date policy of the Council relating to wind energy developments.

It should be noted that the factors (a) - (h) set out in the policy, against which it is advised that renewable energy proposals will be assessed, are fully satisfied by the proposal. Furthermore:

- no concerns have been raised by consultees in relation to biodiversity, water or heritage interests. The appellant is firmly of the view that the individual and cumulative landscape effects of the proposal would be acceptable in this location (a),
- a meaningful contribution (400kw) towards carbon reduction targets would be delivered (b);
- an acceptable connection to the electricity distribution system can be achieved (c) ;
- acceptable site access for this medium-scale proposal can be secured (d);
- no adverse visual effects would arise from ancillary tracks and borrow pit would not (e);
- there would be no adverse effects on any carbon rich soils at this site (f);
- positive effects on the Perth economy would be delivered (g);
- the landscape section of this report details why the appeal site has been favoured over others on the estate (h).

In summary, a number of differing policy objectives are required to be considered and weighed before determining whether any perceived detriment

to landscape would justify planning refusal. The appellant's case will show that the proposal would not conflict with the objectives of this Plan policy.

Other Guidance

Tayside Landscape Character Assessment (TLCA)

Although a limited précis of the landscape character type is included in the Report of Handling under *Other Guidance*, the specific guidance set out in that document relating to the ability of the landscape to accommodate wind turbine development has been omitted.

Policies 3 and 11 of the Strathearn Area Local Plan and Policy 6 of the TAYplan 2012, would suggest that considerable weight be accorded to that guidance when assessing development proposals and determining applications. The LRB should note the following relevant points from the TLCA:

The appeal site lies within the Lowland Hills Landscape Character type.

Para 5.6.15 has been reproduced here in full:

At a small scale, wind power has been important in this area for many decades, being harnessed by wind pumps to raise water. With the development of modern wind turbines to generate power, it is possible that this area may come under pressure for wind farm development. Though wind speeds are likely to be significantly lower than in more elevated parts of the Highlands or the Sidlaws/Ochils, it is possible that the lower level of perceived constraint, together with the proximity to the electricity distribution network, could favour this area. This would be even more likely if the efficiency of wind turbines continues to improve, thereby making areas with lower wind speeds viable. It is acknowledged that development here could avoid the need to locate turbines in even more sensitive upland areas or in less sensitive, but more populated areas closer to settlements. It would also mean that from distance, and from some directions, turbines would be viewed against a backdrop of higher ground. However the insensitive development of wind turbines in this area could conflict with the small-scale, historic and deeply rural character of the landscape. It would also weaken and confuse the areas role of providing a transition from the unsettled uplands to the fertile and settled lowlands.

It is important to register that the TLCA does recognise the positive contribution that the Lowland Hills Landscape can make to the delivery of renewable energy provided that such development is appropriately sited and scaled.

Key Point

Policy 6 of the TAYplan 2012 determines that any appraisal of landscape sensitivity should be informed by landscape character assessments, such as the TLCA.

ECONOMIC JUSTIFICATION

At para 1.2 of the application Planning Report the appellants further proposals for eco-tourism development within the Estate are outlined (application 10/00827/FLL). The appellant seeks to broaden the viability of the farm business whilst taking advantage of the attractiveness of this part of Perthshire as a tourism destination. The appellant regards the appeal proposal as the enabling mechanism that can realise that aspiration.

The Estate is also a major energy user. The appellant considers that the proposal is an opportunity to: (i) offset rising operational costs by taking advantage of new and secure economic opportunities provided by the introduction of the feed-in tariff scheme; (ii) embrace the Scottish Governments aspiration for the generation of more renewable energy; and (iii) be consistent with Scottish Governments drive towards the decentralisation of energy generation through investment in ownership of renewable energy developments by communities and small businesses in rural areas.

In a responsible way the appellant has appraised his business and seeks to provide, by way of investment in a single wind turbine, a further farm diversification initiative. This turbine proposal represents a significant capital cost to the Estate business. The progression of the proposal, even through the planning stage, has entailed considerable costs and risks with no certainty of outcome. However in the opinion of the appellant further, significant investment would be justified as a means of securing the long-term viability of the farm and estate.

To defray those considerable costs and as a means of minimising risk to the farm business overall an option for the appellant may have been to seek to maximise return through a proposal for more than a single turbine. The Estate is a location that benefits from a steady and reliable wind resource. However, for good conservation reasons such an approach was discounted.

The appellant has used local professional consultants in assembling this project (Perth based); would use locally based turbine contractors for erection and future maintenance (Perth based); and intends to use local construction and

ground work companies for the construction of access tracks and foundations and ancillary works.

Key Point

The proposal is an integral part of a forward-looking business plan that has been prepared for the Estate. The new turbine will provide opportunity for off-setting rising operational costs for the holding, provide an additional and important income stream, whilst delivering planned conservation based eco-tourism development.

LANDSCAPE IMPACTS

The issue of site suitability is the key area of difference between the appellant and the Planning Officer.

Accompanying the application is a comprehensive landscape and visual impact appraisal (LVIA) prepared by professional Landscape consultants (*atmos consulting*). Section 6 of the planning environmental Report sets out the conclusions of that appraisal.

Methodology

The LVIA was completed in accordance with the good practice guidance prepared by SNH for the assessment of small scale wind energy projects and has drawn upon established industry methodology for Landscape Character Assessment. The consultation letter from SNH in relation to the first turbine application recommends the use of this Guidance. That letter is attached as APP 1.

The recommended methodology has been used in an objective and disciplined way to appraise the landscape and visual impacts of the proposal and to predict the significance of change. By employing good practice guidelines and agreed methodology the appellant has sought to remove the *subjectivity* of assessment which the Case Officer has relied on.

The LVIA incorporates a number of professionally prepared photographic and wireframe montages from viewpoints within and around Strathearn,

Site Choice and Design

The appellant, as a conscious decision in order to minimise landscape impacts, proposed to site the turbine on a part of the Estate which benefits from

planted woodland screening on 3 sides and where the undulating nature of the terrain would assist in assimilating the development into the landscape. A consequence of this site choice is that the flexibility of the site to capture wind from all directions is compromised and relative to the overall costs of the development the grid connection will be high.

Although the Estate is a location that benefits from a steady and reliable wind resource, detailed on-site monitoring has shown that this is only at a certain height and in certain locations.

The relative close proximity to the Ochil hills creates wind conditions that are inhibited and made variable in flow character and strength. Parts of the estate are low lying where wind speeds would consequently be lower. These are all operational factors that have influenced both the choice of site and the turbine design.

Following an earlier planning refusal and in direct response to the Planning Officers initial concerns about the impacts of a turbine in this location, the design was re-visited. Through changes to turbine position, hub height and rotor diameter the LRB is asked to note that the appellant adopted a constructive approach to those concerns.

The LRB is asked to note that support for the changes was given by the Case Officer through pre-application discussions whilst a consequence of those revisions is a diminution of energy generation and potential investment returns.

It was necessary to increase the hub height because of the interaction between the smaller rotor diameter and the particular wind characteristics at the site. Those changes could be introduced without significantly compromising operational efficiency or viability. Although the overall height of the structure remains the same as that previously applied for, the overall effect has been to reduce the visual assertiveness of the turbine, a point acknowledged by the planning officer.

The 50m hub height, combined with the smaller rotor blades now proposed, represents the *minimum* height which would provide for an economic return to investment and render the project, with its considerable capital costs, viable.

In this location, with the nature of wind speeds encountered, a smaller turbine would simply mean that the business of the Estate could not take advantage of the new economic opportunity provided by the feed-in tariff.

Within the constraints of this site (grid connection costs, landscape and wind resource) the revisions delivered by the appeal proposal balance the very important matters of (i) the environmental benefits of green energy production

(ii) countryside protection; and (iii) the important business requirement of sustaining both the local and the rural economy of the Trinity Gask Estate.

Landscape & Visual Impacts

Landscape and visual impact has been the subject of rigorous and disciplined professional appraisal using methodology recommended by SNH. A *subjective* approach to appraisal has not been adopted.

The Report of Handling acknowledges that the Case Officer has applied subjectivity to his assessment and the 'view' of his Landscape Colleague has been relied on in arriving at a refusal recommendation on this application. *Potential impacts on the local landscape associated with the localised Gask ridge* are cited but without further explanation. The 'views' of the Landscape Officer have not been made available on Public Access but have been forwarded by the Case Officer ahead of this appeal. Those comments are included here as Appendix APP2.

The LRB is asked to note that contrast between the comprehensive and considered Consultant's Report commissioned by the appellant and the very brief Officer Landscape note. Little consideration would appear to have been given to the contents of the professional Consultants Report. No explanation has been given as to why the conclusions of the professional Consultants are inappropriate or why the broad guidance set out in the TLCA should be set aside in this instance? Indeed the Landscape Officer would appear to be indicating that the TLCA guidance should not be applied to Strathearn and the Gask Ridge.

It is the view of the appellant that the proposal would not constitute an insensitive approach to the development of wind turbines in this area and, because of its siting and scale, would not conflict with the small-scale, historic and deeply rural character of the landscape. Furthermore this proposal would not weaken and confuse the areas role of providing a transition from the unsettled uplands to the fertile and settled lowlands - both key characteristics set out in the TLCA guidance.

The appellants landscape appraisal includes a total of 12 viewpoints within and around Strathearn selected and agreed in consultation with PKC Officers. These include viewpoints from prominent vantage points on the A822 Tourist route and A85(T).

The comprehensive Landscape and visual appraisal is available to the LRB and it is not proposed to précis its conclusions here. However by reference to the presented photomontages the appellant requests that the LRB note the following specific points:

- Viewpoint 1: in the broad expanse of view afforded from Roundlaw Cottage the turbine, as a new point feature would be apparent but not unduly assertive;
- Viewpoint 3: confirms the Gardens and Designed Landscape of the Glen Eagles Hotel would not be materially affected;
- Viewpoint 4: In the open expanse of Strathearn the scale of the turbine is diminished and the landscape could accommodate such a change;
- Viewpoint 7: viewed from the north, the backdrop of the Ochil Hills together with a forestry/woodland setting affords significant visual mitigation;
- Viewpoint 9: A diminishing effect to scale from the forestry setting can be noted;
- Viewpoint 10: The effectiveness of tree screening to close views from the north may be noted;
- Viewpoint 11: The woodland backdrop offers significant visual mitigation. The Gask Ridge is distinguishable; remains a dominant landscape feature and its pre-eminence would not be diluted by the proposal.
- Viewpoint 12: The turbine would not intrude on the rural setting of the hamlet of Clathy.

The LRB is asked to note that it has been confirmed through submitted representation that the woodland on the Gask Ridge surrounding the appeal site is subject to a recently signed 20 year Forestry Management Agreement. Much of this woodland would remain for the life of the turbine.

The LRB is asked to note that although this part of Strathearn has amenity value it is not subject to any protective landscape designation.

The Landscape Officer asserts that the re-configuration of raised hub and shorter blades would be *out of proportion* and thus make the tower and hub more visible. This view is strongly refuted by the appellant. The appeal proposal would realize a balanced and harmonious relationship between hub (50m) and rotor (17m) displaying a typical turbine proportion of between 1/3 and 1/2. In contrast the previously refused scheme featured a top heavy arrangement with shorter hub (40m) topped by a weighty, 27m rotor, uncharacteristic of other turbines within the area.

The Landscape Officer raises concerns about issues of cumulative impacts arising from the addition of this single *medium* scale turbine to this landscape. Whilst inter-visibility between the appeal site and those operational commercial wind farms is acknowledged, the LRB is asked to note the significant difference in scale between the appeal proposal and those other turbines, and the considerable distance between sites. Furthermore, all of the sites referred to by the Landscape Officer are multi-turbine installations whilst the appeal proposal is for on-farm, *medium* scaled single turbine proposal.

Representations suggest the scale of turbine proposed would be inappropriate to this lowland setting. The LRB is asked to note that the Greenknowes and Burnfoot commercial wind farms in the Ochil Hills are 102m in height to blade tip. In contrast the scale of the appeal proposal is significantly reduced (67m in height). This reduction in scale is considered to appropriately reflect the transition from upland to lowland landscape thereby according with the guidance set out in the TLCA.

In summary, the LRB is asked to note that the Lowland Hills Landscape Character type has the capacity to accommodate the *medium* scale turbine and the proposal would not diminish the quality of the landscape and natural environment at Trinity Gask.

Key Point

A turbine lower in height than those sited on the Ochil Hills is proposed.

REPRESENTATIONS:

The Report of Handling does not fully recount many of the matters raised in the numerous letters submitted in **support** of this proposal. The LRB is asked to note that more than 50% of the 208 letters of representation submitted were in **support** of the proposal, and from residents, many of who are local to the area. Many of those representations raise matters other than the acceptability of landscape impact or support for the principle of green energy, namely:

- Positive impacts of the development to the local economy;
- Positive nature of the proposal as a farm diversification initiative;
- Value of proposal in sustaining the viability of the Estate;
- Importance of contribution of the Estate to the local economy and in particular employment opportunities;
- The contribution towards national targets for the delivery of green energy;
- The good conservation practices adopted by the Estate in relation to land management.

Those support comments have not been *captured* in the Report of Handling. It is not clear what weight, if any, has been given to those matters when appraising the development?

The LRB is asked to note from the section on Scottish Planning Policy that those omitted social, environmental and economic support comments are important and relevant material planning considerations.

Key Point

Annexe A Circular 4/2009 - Development Management Procedures - 4. *It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the proposal, material considerations will be of particular importance.*

The appellant would respectfully request that significant weight is accorded to these other important material considerations.

Comment on representations:

The LRB is asked to note that of those matters raised in objections and listed in the Report of Handling it is only the *visual impact* and *residential amenity* concerns that the Case Officer determines to be overriding.

(i) Residential Amenity -

The last sentence in the section Compatibility with existing uses relates to impacts on residential amenity arising from the effects on *neighbouring properties*. However it is unclear from the Report which residential properties are considered to be adversely affected and in what way? The Report of Handling does confirm that noise is not a concern.

The LRB is asked to note that the closest residential properties to the site are:

- Cowgask House - 755m to the west of the site
- Blairadam - 640m to the north of the site
- Roundlaw Cottage - 830m to west of site;
- Woodside Meadows - 1.25 km to east of site

Key Point

- The occupier of Roundlaw Farm Cottage has written in support of the application (carrol)
- Cowgask House is orientated to the south

- Woodside Meadow is separated from the appeal site by Forestry Planting
- Blairadam is separated from the appeal site by Forestry Planting

As the Case Officer Report of Handling makes clear, a *right* to a cherished view cannot be safeguarded under Planning Law. This would suggest that the Officer concern is one of effect on outlook?

The appellant would acknowledge that the turbine would be visible from dwellings within the vicinity. However, this *visibility* is not the same as concluding that any amenity presently enjoyed by residents as a result of that countryside setting would be materially harmed.

In giving weight to this issue in any decision, it is appropriate to have regard to the extent to which the new turbine feature would impose itself or dominate the outlook from nearby dwellings.

Assessment

Having regard to the considerable distance between properties and appeal site; the broad and open aspect enjoyed by each of those dwellings; the undulating nature of ground contouring together with the presence of established intervening planting; the appellant would contend that the outlook from those dwellings and nearby settlements would not be dominated by this *medium* scale turbine and neither would the turbine be unduly assertive in the landscape.

If the LRB is not persuaded by this assessment, it is the appellant's case that the LRB panel would benefit from an inspection of the site and surrounds before arriving at a decision on this appeal. This is considered to be of great importance in the absence of a full justification for the amenity concerns raised in the Report of Handling. It would also enable the LRB to fully appraise (i) the orientation and proximity of dwellings in the locality to the appeal proposal; and(ii) the character of this part of Strtahearn as a landscape within which wind turbines are located, rather than a windfarm landscape.

Key Point

It is respectfully requested that the LRB undertakes a Site Inspection in this case.

Other Matters:

- (1) Reference has been made to another planning refusal for wind turbines within the *Lowland Hills* Landscape Character type at Standingfauld. The suggestion is made that a precedent for resisting turbines has been set. That application was dismissed at appeal. The LRB is asked to note that the Standingfauld application (09/02212/FLM) proposed 8 turbines with a hub height of 65m and a blade tip 100m - ie more than 40% higher than that proposed at Trinity Gask;
- (2) Concern has been expressed about the potential impact of the proposed turbine on the Gardens and Designed Landscape of the Glen Eagles Hotel. The LRB is asked to note from the submitted LVIA that inter-visibility between the site, the proposal and that heritage asset would not result and further, the Report of Handling records that Historic Scotland have not raised objection to the application.

CONCLUSION

The turbine proposed is not large scale and this is confirmed by the Consultation response from SNH to the first application - APP 1. Therein SNH identify the general guidance that should be followed in the assessment of small-scale turbine developments. The appellant has used that published guidance in formulating his proposals.

The appeal site lies within the Lowland Hills Landscape Character Type as identified by the Tayside Landscape Character Assessment. The potential of that area for accommodating appropriately sited and scaled wind energy development is identified. The proposal is for a *medium* scaled turbine.

The Case Officer has concluded that this proposal would not have a significant impact on the landscape character of the area. In an open way he has identified that his landscape architect colleague has another view.

The Landscape Officer provide only limited comments on the planning application and no comments at all on the professional Landscape Consultant's report commissioned by the appellant. It is not clear from the Landscape Officer's comments whether a specific site appraisal was carried out in this instance.

The stated opinion from the Council's Landscape Officer that the proposed turbine would be open to view and as a consequence would be visually harmful sits at odds with the Council's Recommended landscape guidance set out in the TLCA . That guidance acknowledges the contribution that the area of Strathearn, including the appeal site, can offer to the accommodation of wind energy development in Perthshire.

The appellant revised his initial proposal in a manner that was encouraged by the Planning Officer through pre-application discussions. Although overall height remains the same, a less assertive structure would result with a smaller, less imposing 'head'. The visual montages demonstrate that the bulk of the mast would be screened from many approaches by the established forestry planting to the north, east and south of the site.

The value of the established woodland around the site to mitigate visual impacts is acknowledged. The adjacent landowner has confirmed that the off-site woodland is the subject of a Forestry Commission 20 year management plan. These circumstances are unlikely to be mirrored in other locations with other turbine proposals and reinforce the appellants considered and careful approach to site choice and design.

These factors illustrate the careful attention to siting and design which has been embraced by the appellant. A consequence of the smaller turbine head is a reduction in generating potential (from 500kw to 400kw). The site is one where as a consequence of high grid connection charges and wind character and speed, a smaller turbine would not be a viable development option.

The proposal would comprise a farm diversification activity that would contribute to the viability and sustainability of an established farm business and a key local employer whilst providing scope to further increase employment in the coming years.

The proposal represents a sustainable economic development proposal. The economic benefits to the local economy arising from the development have been highlighted.

Those key important planning considerations have not been weighed in the balance in the decision to refuse this proposal. Such matters are material in planning terms and may be evidenced by the recent appeal decision attached - APP3. Although each case will be determined on its own individual merits that appeal demonstrates that in arriving at a planning decision all matters need to be weighed in the balance. The economic benefits to an established business and employer can, and should be, a significant factor when weighed against any concerns relating to visual impact.

The appellants failure to deliver this farm diversification project would impact on the viability of the farm holding and Estate.

Within the constraints of this site (grid connection costs, landscape character and wind resource) the appeal proposal represents a balanced approach to the delivery of a renewal energy development project in a manner which:

- would not be sited within a protected landscape;

- has regard to the need for countryside protection,
- makes a meaningful contribution to reducing Scotland's dependence on fossil fuels;
- provides security of energy production for a small business in a rural area,
- offers potential for that businesses to invest in ownership of a renewable energy project,
- meets the operational needs of an important local employer,
- would provide direct benefits to the local economy, and
- would enable the viability of the Estate to be sustained.

The appellant would contend that in this way the *medium* scale wind turbine would constitute an acceptable form of sustainable economic development that has respect for environmental protection. Such an approach to renewable energy development would be consistent with that advocated by Scotland's Planning Minister Derek Mackay when launching the consultation draft of the new SPP in May 2013.

Accordingly it is respectfully requested that this appeal be upheld.

Appendix 1

SNH Consultation letter (11/01855/FLL)



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Perth and Kinross Council
Planning and Regeneration
Pullar House
Perth
PH1 5GD

Your ref: 11/01855/FLL
Our ref: CNS/REN/WF/P&KGen
30 November 2011

Dear Sirs

Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006

Installation of a wind turbine. Land 800m north east of Roundlaw Farm Cottage, Trinity Gask

Thank you for your letter of 28 November 2011 requesting comments from Scottish Natural Heritage (SNH) on the above proposal.

As this is a small scale proposal of one turbines and in our view does not affect a protected site or /species we do not intend to offer advice or comment. This is in accordance with our Service Level Statement for Planning and Development, which confirms that we would not normally wish to be consulted on 'small scale wind energy proposals'. We are content that you identify any natural heritage impacts and address these without further reference to SNH.

Below is general guidance on the key issues for small-scale developments. These may include:

- proximity to areas of population, residential properties and transport routes, which can lead to adverse landscape and visual impacts;
- locations in lowland landscapes, which can be sensitive to larger turbines, and require careful landscape and visual assessment, particularly in terms of cumulative impacts;
- locations which can have particular bird species present e.g. geese on agricultural land;
- locations close to buildings and woodlands that may increase risks to legally protected species such as bats;
- Cumulative effects with other small and large scale wind development.

Yours sincerely

John Burrow
Operations Officer
Tayside & Grampian Area
john.burrow@snh.gov.uk



Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW
Tel 01738 444177 Fax 01738 458611 www.snh.org.uk

Appendix 2

PKC Landscape Officer comments

Garry Dimeck

From: Douglas Cook [DCook@pkc.gov.uk]
Sent: 29 January 2013 16:14
To: Andy Baxter
Subject: RE: Trinity Gask (12/02067/FLL)

Hi Andy,

I didn't receive anything for this one. However, if the blades tip height is the same as the previous application then I can't see the overall impact changing as its overall height will remain the same. If anything it is likely to look worse as the blades would be out of proportion to the tower and the hub more visible.

The Gask ridge is a very sensitive area in landscape terms due to its elevation and prominence in Strathearn and any turbines located on it would be very visible throughout the strath. There are likely to be significant cumulative effects created by bringing wind development into lowland of Strathearn. This could also have a strange visual affect when it is viewed in the foreground to the Ochil Hills wind developments especially Green knows.

Given the cumulative and landscape and visual concerns arising in the area for previous proposals e.g. New Milne and not to mention various other Ochil Hills proposals, Mull Hill and Parks of Keillour, the proposed turbine at Trinity Gask it is likely to be highly visible and give rise to significant landscape and visual effects in the area.

From a landscape point of view the current proposal is no better than the original proposal and possible worse.

I'm happy to discuss this one with you when I'm next down if you like.

Cheers

Doug

Douglas Cook

Landscape Architect

Community Greenspace

Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Tel: 01738-475279 Fax: 01738-476410 Email: dcook@pkc.gov.uk

From: Andy Baxter
Sent: 29 January 2013 15:20
To: Douglas Cook
Subject: Trinity Gask (12/02067/FLL)

Wind Turbine at Trinity Gask

Application Ref 12/02067/FLL

Hi Doug,

A consultation request should have appeared on your desk before Xmas for this one, however I appreciate your busy at the moment so you may not have had time to look at it. The application is a re-submission of an application which I refused last year (11/01855/FLL) for a 67m turbine, with the principle change being

a change of shorter blades and a higher hub height – with the intention of reducing the impact of the turbine whilst keeping the same blade tip height.

LVIA for both are available online, however I can give you hard copies if you want too.

Can you have a quick look and let me know your thoughts on the change of turbine?

Cheers

Andy Baxter

Planning Officer

Perth & Kinross Council

Planning & Regeneration

Pullar House

35 Kinoull Street

Perth

PH1 5GD

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Appendix 3

Local Review Decision Notice - Scottish Borders Council



**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

Local Review Reference: 12/00050/RREF

Planning Application Reference: 12/00221/FUL

Development Proposal: Erection of 2 No wind turbines 110m high to tip and
installation of ancillary equipment

Location: Land South West of Neuk Farm, Cockburnspath

Applicant: Firm of S R Findlay

DECISION

The Local Review Body reverse the decision of the appointed officer and grants
planning permission subject to the conditions listed in this notice.

DEVELOPMENT PROPOSAL

The application is for the erection of 2 wind turbines 110m high to blade tip and the
installation of ancillary equipment on land South West of Neuk Farm, Cockburnspath.
The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	WPENGD1480 Rev B
Site Plan	WPENGD853 Rev G
Elevations	EIA-024 Figure 4
Elevations	EIA-121 Figure 7.1

PRELIMINARY MATTERS

The review was considered by Members at the meeting of the Review Body on 19th
March 2012. After examining the review documentation, which included: (a) Decision
Notice, (b) Notice of Review (c) Report of Handling, (d) Further papers referred to in
the Report of Handling, (e) Correspondence for objectors, (f) Correspondence from
Consultees, (g) Further representations in response to Review and (h) a List of
Policies, the Local Review Body determined that it had sufficient information to
determine the review and that no further procedure was required. In coming to this

conclusion, the Review Body considered the request from the applicant for further procedure in the form of written representations and a site visit.

The Review Body were advised that submissions relating to the report on the "Assessment of Cumulative Noise" (Appendix E.2 in the Notice of Review) had been received with the appeal. Whilst it was accepted that the report itself had been submitted during the processing of the application the responses submitted were issued after the decision on the application was made.

The submissions related to correspondence between the applicant, the appointed officer and the Environmental Health Officer in emails dated 13th and 14th November 2012 (Appendix E.3 and E.4). In these emails the appointed officer accepted that the Noise Report had not been properly taken into account during his determination of the case and that after considering the report the Environmental Health Officer was satisfied the development was acceptable subject to the imposition of conditions. The Review Body considered that this information was material to their determination of the case and met the qualifying tests set out in Section 43B of the Act.

The Local Review Body considered the Review competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: consolidated Scottish Borders Structure Plan 2001-2018 and consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Structure Plan Policies: Principle S1, N6, N7, N9, N11, N13, N14, N16, N18, E16, I19,, I20 and E22
- Local Plan Policies: G1, H2, D4, EP2 BE3, BE4 and NE5

Other material key considerations the Local Review Body took into account related to:

- SBC Supplementary Planning Guidance on Renewable Energy June 2007
- SBC Supplementary Planning Guidance on Wind Energy May 2011
- SBC Supplementary Planning Guidance on Local Landscapes Designations August 2012
- The Borders Landscape Assessment, 1998 (Ash Consulting Group)
- Scottish Planning Policy (Paragraphs 182 – 195)
- Web based renewable advice at <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/renewables>
- PAN1/2011 – Planning and Noise

Members were of the opinion that, whilst their consideration of the matter was "de novo", the reasons for refusal highlighted the critical issues to which they should turn their attention. The other outstanding matters highlighted in the Environmental Statement, submitted in support of the application, could be controlled through the imposition of suitable planning conditions.

The Review Body noted from the information contained in Appendices E.3 and E.4 that the appointed officer could no longer sustain the second ground of refusal set out in the decision notice. The emails confirmed that the Environmental Health Officer was satisfied with the terms of the Noise Report, subject to the imposition of conditions. The Review Body concluded that the matter had been adequately dealt with and that the second reason for refusal should be struck off.

The Local Review Body noted that in the first reason for refusal the appointed officer focussed on the visual and landscape impact of the development, including impacts on Oldhamstock Conservation Area, the Lammermuir Hills and Berwickshire Coastal AGLV's (now Special Landscape Areas) and the cumulative visual impact with other approved schemes and those pending decision in the locality. Members debated the question of the level of impact and despite differing views being expressed, the Review Body did not fundamentally contradict the appointed officer's assertion that there would be adverse visual and landscape impact and that this may be significant. The Review Body noted that the height of blade tips of the nearby consented developments of Wester Dodd and Hoprigshiels were greater than the present application .

The Review Body then considered the terms of the economic justification for the development presented by the applicant. Members referred to Structure Plan Policy E16, which encourages and supports development that contributes to the wider rural economy, and also Local Plan Policy D4, which accepts that, even when there are significant adverse impacts, a development may be approved if the decision maker is satisfied that the contribution to wider economic and environmental benefits outweighs the potential damage to the environment.

In this regard, Members were conscious that they must be satisfied that there was a consequential link to planning matters, there was sufficient evidence of a wider economic benefit and that this benefit would actually occur. In considering the evidence, they noted that the turbine would assist the business in reducing its energy requirements. This would bring price stability and security of supply to a large consumer of energy and would assist in reducing its carbon footprint. Members were also aware that the quarry had permission for a major expansion of its extraction operations. The Review Body was satisfied that the proposed turbines would help to sustain a business, which is an important local employer, and help it realise its expansion plans. Members concluded that the impact of the development was outweighed by the economic benefit that would accrue.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans, specifications, requirements and obligations as set out in the Environmental Statement and associated

documentation submitted as part of the application. Any variation thereto must be agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

3. This permission shall be for a period of 25 years from the date of final commissioning. No later than 18 months prior to the end of the period of this planning permission, or by such later date as may be agreed by the Planning Authority, unless a further planning application is submitted and approved, the applicants shall submit a method statement for the decommissioning of the windfarm and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be completed within 6 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.
Reason: To ensure an indicative scheme is submitted by the developer and approved by the Planning Authority for the decommissioning of the wind farm at the end of its 25 year proposed lifespan.
4. No development shall commence on site until a full site specific Environmental Management Plan (EMP) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH. The EMP shall include a Construction Method Statement, which shall comprise:
 - Details of all on-site construction, and construction of access tracks, including crane hard standing areas, drainage, mitigation, post-construction restoration, and reinstatement work, as well as the timetables for such work;
 - Details of the phasing/timing of construction of the turbines;
 - Details of water supply;
 - Details of any temporary on-site diversions of rights of way and associated signage;
 - Details of foul drainage measures to comply with national guidance on pollution prevention;
 - Details of the (waste) management of materials, including recycling and use of secondary aggregate;
 - Details of surface water drainage measures to comply with national guidance on pollution prevention, including surface water run off from internal access roads;
 - Details of the arrangement for the on-site storage of chemicals and fuel oil;
 - Details of measures to reduce soil erosion;
 - Details relating to minimisation of the environmental impact of road construction;
 - Details of any water course engineering works and measures for the implementation of buffer zones around existing water courses and features;
 - Details and timescale for the restoration of the site, including the site compound and the crane hard standing areas;
 - Details of the method, frequency and duration of ecological monitoring, potentially through the engagement of a suitably qualified scientist, particularly of watercourses, over the construction period of the windfarm development;
 - Details of contingency planning in the event of accidental release of materials which could cause harm to the environment.

- Details of Reasonable Avoidance Measures including appropriate buffer zones to be adopted to minimise damage and disturbance to wetland and woodland habitats.

The development shall be carried out in strict accordance with the EMP as agreed in writing by the planning authority.

Reason: In the interests of the amenity of the area, to ensure the site is developed in accordance with best environmental practice safeguarding water courses/sources during the construction phase of the wind farm and that the site is satisfactorily restored.

5. No works shall be carried out during the breeding bird season (March-August) without the express written permission of the planning authority. Checking surveys for breeding birds will be required if works are to be carried out in this period, identifying measures to avoid impacts on breeding birds.

Reason: To afford protection to breeding birds, which are protected by law.

6. An activity survey for bats by a suitably qualified person will be required to assess use of the development area and adjacent area to determine any foraging or commuting movements within and across the area affected by development. Activity surveys should be conducted between May and September. No development shall commence on site until a scheme for the protection of bats has been submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme.

Reason: To afford protection to bats, which are protected by law.

7. No development shall commence on site until a Landscape Habitat Management and Enhancement Plan has been submitted to and approved in writing by the planning authority. The plan shall incorporate opportunities to enhance the local habitat network for bats and breeding birds through planting of native thorn species rich extended hedgerows, creation of areas of semi-natural woodland, creation of grass margins and wild bird cover areas. A pond or SUDS feature can also enhance the local habitat network for bats. Buffer strips (tree planted or grass margins) can be created around water bodies to enhance biodiversity and improve water quality. Any works shall, thereafter, be carried out in accordance with the approved plan.

Reason: To ensure that the development makes a positive contribution to habitat protection and enhancement.

8. A botanical survey of Red Data Book plant species to be carried in June-August prior to the commencement of works. The results of such a survey are to be submitted to and approved in writing by the Planning Authority. Any mitigation works identified therein shall, thereafter, be carried out in accordance with the approved plan.

Reason: To ensure protection to specified species.

9. No development shall commence until a further badger survey has been undertaken within a 500m buffer of all areas around and within the Planning application boundary. The results of such a survey are to be submitted to and approved in writing by the Planning Authority. Any mitigation works shall, thereafter, be carried out in accordance with the findings of the approved survey.

Reason: To afford protection to badgers, which are protected by law

10. Prior to the commencement of works a winter reconnaissance survey for geese to be carried out in accordance with standard SNH methodology. The results of such a survey are to be submitted to and approved in writing by the Planning Authority. Any mitigation works shall, thereafter, be carried out in accordance with the findings of the approved survey.
Reason: To afford protection to geese.
11. Prior to the importation of any turbine components to the site, the applicant shall provide for the approval of the Planning Authority, in liaison with the Truck Roads Authority, the route for abnormal loads, a programme of necessary traffic management measures and improvements to cater for abnormal vehicle movements. The measures to be implemented as set out in the approved programme during the construction phase of the development
Reason: In the interests of road safety.
12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
13. No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, about the identified area of archaeological interest and no works shall take place within the area inside that fencing without the prior written consent of the Planning Authority.
Reason: To safeguard a site of archaeological interest.
14. The developer shall give a minimum of two weeks notice of the commencement of the approved archaeological works in writing to the nominated archaeological contractor and to the Planning Authority. No works shall commence until the two week notice period has expired.
Reason: To allow sufficient time to prepare for the commencement of archaeological works.
15. Noise levels from the combined effects of the wind turbines where the occupier of the property has no financial interest in the development shall not exceed an external free field LA90, 10mm level of the greater of 35dB(A) or 5dB(A), at any 10 metre height wind speed up to 12m/s, above the agreed prevailing background noise level during amenity hours, and 43dB(A) during night hours.

For properties where the occupier has a financial interest in the development the noise levels should not exceed the greater of 45dB(A) or 5dB(A), at any

10 metre height wind speed up to 12m/s, above the agreed prevailing background noise level at all times.

These levels shall be cumulative with all other wind energy developments in the area that have been granted Consent at the time of granting this Application. Any tonal elements in the noise spectra shall be assessed using the joint Nordic Method and the tone level shall not exceed 2dB above the 'Masking Threshold for Tones in Noise'

Reason: To protect the amenity of noise sensitive properties.

16. No development shall commence until a scheme for the ongoing monitoring of noise has been submitted to and agreed in writing by the Planning authority. Noise measurements shall be taken using the methodology contained in ETSU-R-9Z. Any remedial actions required as a result of the monitoring shall be undertaken following the written agreement of the Planning Authority.

Reason: To ensure that noise levels are monitored and the potential noise impact of the development is effectively controlled.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....
Chairman of the Local Review Body

Date: 21 March 2013

TCP/11/16(251)

Planning Application 12/02067/FLL – Erection of a wind turbine and associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(available to view on Public Access via the Perth and Kinross Council website)*

PERTH AND KINROSS COUNCIL

Mr Jamie Roberts
c/o Realise Renewables
Clint Betteridge
East Lodge
East Lodge
Kindrogan
Enochdhu
PH10 7PF

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 4th February 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/02067/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 5th December 2012 for permission for **Erection of a wind turbine and associated infrastructure Land 800 Metres North East Of Roundlaw Farm Cottage Trinity Gask** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the proposed turbine will have a significant adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (visual) amenity from new developments within the landward area from inappropriate renewable energy developments.
2. As the proposed turbine will potentially have a significant adverse impact on the residential amenity of existing residential properties (by virtue of the turbines appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (residential) amenity from new developments within the landward area.

- 3 As the proposal will have a detrimental impact on the sensitive landscape associated with the Gask Ridge, the proposal is contrary to Policy 3 of the Strathearn Local Plan 2001, which seeks to conserve local landscapes from inappropriate developments.
- 4 The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.

Justification

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

Notes

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

Plan Reference

12/02067/1

12/02067/2

12/02067/3

12/02067/4

12/02067/5

12/02067/6

12/02067/7

12/02067/8

12/02067/9

12/02067/10

12/02067/11

12/02067/12

12/02067/13

12/02067/14

12/02067/15

PERTH AND KINROSS COUNCIL

INSTALLATION OF A WIND TURBINE AT LAND 800 METRES NORTH EAST OF ROUNDLAW FARM COTTAGE, TRINITY GASK

DELEGATED REPORT OF HANDLING

Ref No	12/02067/FLL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N9 – Almond			Yes	No
Target	4 Feb 2013				
RECOMMENDATION					
Refuse the planning application on the grounds that the proposed turbine will have an unacceptable visual impact on the local area, potentially have an adverse impact on the residential amenity of existing residents and potential impact on the local landscape.					

BACKGROUND & DESCRIPTION

The application site relates to a small area of agricultural land on the Trinity Gask Estate, at Roundlaw. The Trinity Gask estate is located approx south-east of Crieff and north-east of Auchterarder and west of the A9 corridor. The site at present is pasture land and is surrounded by a mix of conifer plantations and arable fields. Current vehicular access to the site is via an existing private track which joins the public road at Borestone Cottage/Mill of Gask.

A detailed planning application for the erection of a commercial scaled 67m turbine (40m hub) was refused planning permission last year largely on the grounds that the turbine would have an unacceptable impact on the visual amenity of the area, and on the residential amenity of the area. The Council's Landscape Architect was not involved in the decision making process of that planning application.

This planning application seeks detailed planning permission for the erection of a different model of turbine, with shorter blades (34m) and a higher hub height (50m), but still with a blade tip height of 67m. The turbine will still be of the three bladed version, with a generating capacity of approx 0.4MW. In addition to the turbine itself, an ancillary site compound, 700m of new access tracks and small borrow pit (for aggregates associated with the turbine foundations etc) are also proposed.

The proposed turbine will have a life of 25 years, after which the turbine and other development will be removed, and the site reinstated back to its current state.

PROCEDURAL MATTER

Supporting Information

To help demonstrate the impact that the proposal will have on the environment, the applicant has submitted a detailed supplementary information in the form of a detailed LVIA. I consider the LVIA to be accurate, and have no reason to question the professional credibility of the applicant's agents and consider the LVIA, and in particular the visualisations to be an accurate reflection of what is proposed.

Screening Opinion

A Screening Opinion was carried out by the Council for the previous proposal which concluded that the proposed turbine was not an EIA development. Although the appearance of the turbine has been amended from the previously undertaken screening opinion the principle characteristics have not changed (i.e. its height) therefore I consider it reasonable to adopt the previous opinion for this proposal.

APPRAISAL

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise.

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Strathean Local Plan 2001.

In terms of the Tay Plan, *Policy 6* is directly applicable as are Policies *1, 4, 6, 11 and 12* of the Local Plan.

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

Policy 1 of the Local Plan promotes sustainability, whilst *Policy 2* of the Local Plan seeks (amongst other things) to ensure that all new developments within the landward area have a suitable landscape framework which is capable of absorbing the development which is proposed, and to ensure that new developments will not have an adverse impact on the character of the existing landscape. *Policy 2* also seeks to protect the amenity of existing areas.

Policy 3 of the Local Plan seeks to ensure that local landscapes are not adversely affected by new proposals, whilst *Policy 24* of the Local Plan and *ERP 8* of the Structure Plan both seek to protect cultural heritage assets.

In terms of other material considerations, this principally includes an assessment against national planning guidance in the form of the Scottish Planning Policy, consideration of the TLCA, consideration of the proposed LDP 2012 and consideration of the previously refused application for a similar proposal on the same site.

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

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

Landscape and Visual impact

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

As per the previous proposal, the proposed turbine will introduce a relevantly new landscape feature into the local landscape, and based on the ZTV submitted with the planning application; both long and short views of the turbine will be theoretically achievable to the north, south and west, with reduced theoretical visibility from areas to the east. Nevertheless, the fact that a turbine is visible should not necessarily render it unacceptable.

I consider a more reasonable assessment of the acceptability of a turbine (in visual terms) to be whether or not the introduction of the turbine would have a detrimental impact on the visual amenity of the area enjoyed by those affected (i.e. residents and visitors), particularly with 15km. Although I appreciate there has been a number of objections to this proposal based on the visual impact, I do not consider the magnitude of impact to be as significant as is suggested within the representations.

However, as per the previous proposal I do have some concerns regarding the potential visual impact that the turbine may have.

Although the area is not specifically protected by any formal designation, the local area, in my opinion, does have a degree of high amenity value for both its residents and users. Consideration of the viewpoints selected, and others visited ad-hoc-ly during the site inspection, leads to me to have the opinion that this proposal would have a significant detrimental impact on the visual amenity of the area. I wholly appreciate that one person's opinion on what constitutes an attractive area may differ significantly from another, which makes this subject an extremely subjective matter, I am nevertheless not convinced that this size of turbine is suitable in this particular location. The change in turbine model, with a higher hub height and shorter blades does in my view alter the appearance of the turbine and it could be argued that the reduced sweep area of the turbine blades does reduce the prominence of the turbine to some degree. However, by ultimately retaining the height of the turbine at 67m, there is still a significant visual impact - albeit if slightly reduced from the previous scale. I also note that the majority of the objectors are principally concerned regarding the visual impact that the turbine will have.

In addition, it is worth noting that although the current, potential visibility of the turbine is screened to some extent by existing commercial plantations in several directions, some of these plantations are outwith the control of the applicant and could, in theory be felled at any point during the lifespan of the turbine (circa 25 years). There is therefore the potential for the visibility of the turbine to increase over the length of the consent if these plantations were to be removed. However, I do note that within the representations a neighbouring landowner has confirmed that the plantations are to retain in situ for the foreseeable future. In the event that an appeal is successful, securing these plantations via legal agreements should be considered.

On balance, and taking into account the difference between the previous proposal and the amended one, I still consider this proposal to potentially have a significant detrimental impact on the visual amenity of the area, and accordingly I consider the proposal to be contrary to Policy 2 of the Local Plan which seek to ensure that local amenity / environmental quality is protected.

Turning to landscape impact, in terms of renewable developments, Policies 2, 3 and 11 of the Local Plan seek similar key objectives with regard to protecting the landscape, i.e. restrict renewable developments within the landward area if the proposal would have an adverse, negative impact on the landscape of the area concerned.

In considering the impact on the landscape character, it is useful to consider the contents of the TLCA. Within the TLCA, the development site is described as being one of lowland hills that is defined as being *'generally smooth and well rounded. The transitional nature of the area is reflected in the land cover and vegetation. Pastoral and even, arable fields give way to rough grazing and open moorland as height is gained. Even on the low Gask Ridge, where farmlands extends onto the summit line, and the land is quite fertile, the greater exposure contributes to the transitional character. There is a considerable amount of coniferous forestry, with large plantations (along the Gask Ridge) and in places, extremely geometric. There are, however, signs of modern development including the busy A9 corridor where it climbs over the Gask Ridge to the west of Perth, the lines of the pylons which fan out from the highland glen carrying power to the lowlands, and a number of telecommunications masts exploiting the hills proximity to the settled lowland'*.

In my personal view, contrary to the representations, is that I do not necessarily consider this turbine to have a significant impact on the landscape character of the area (although it may have an impact), as this specific landscape type is in my opinion capable of accommodating some, modest wind developments albeit at a much reduced scale. However, I note that my landscape architect colleague has a different view on this and has commented on this revised proposal raising concerns over its potential impact on the local landscape associated with the localised Gask Ridge. I appreciate that the previous scheme was considered to be generally acceptable in landscape terms by myself and the applicant may find his additional issue to be frustrating, however as it has now been raised by a professional colleague it would be inappropriate to discard this element – although the LRB should perhaps be aware of the change in position in terms of landscape impact.

Compatibility with Existing land uses

Turning to second issue, the compatibility with existing land uses, Policy 2 of the SALP seeks to ensure that all new developments are compatible with existing land uses. As per the previous planning application, I have no concerns regarding the impact that the turbine will have on the commercial activities of the land, and in terms of the impact on any existing residential properties, it is noted that that the closest residential properties are approx 0.5km from the site. My Environmental Health colleagues have commented on the proposal and have raised no concerns regarding noise related issues. The principal conflict with the existing neighbouring properties would be the impact on their residential amenity. I appreciate that no one persons as a right to a view, however the presence of a 67m turbine on this site does have the potential to adversely affect the residential amenity of some residential properties, albeit to varying degrees.

Protected Species / Habitats

In terms of both the impact on protected species / habitats, I have no immediate concerns. A number of surveys have already been carried out on the site and further pre-commencement surveys could also be request prior to working commencing if deemed necessary. I therefore consider the proposal to be consistent with the

relevant Development Plan policies which relate to protected species / habitats, insofar as the proposal would not have an adverse impact on either element.

Cultural Heritage

There are a number of cultural heritage sites within close proximity to the site, including a SAM. With regard to the impact on the SAM, although Historic Scotland consider the proposal to have an adverse impact on the setting of the SAM's, the impact is not significant enough to merit a formal objection. I therefore consider the proposal to be consistent with the relevant Development Plan policies.

Other Material Issues

Shadow Flicker

As the closest residence is located approximately 0.5km away from the proposed turbine, I do not consider there to be any notable effects on residential amenity in terms of shadow flicker. I note that my EHO colleagues have not raised any concerns on this topic.

Aviation Lighting

Lighting of the turbine, as required by the MOD will only be visible from the air and I do not consider there to be any need for ground based lighting. I therefore have no concerns regarding lighting issues.

Noise

Lastly, within the representations, noise has been raised an issue. I note there are a number of residential properties within the vicinity of the site (the closest one approx 0.5km away), however my EHO colleagues have raised no concerns regarding this proposal. I therefore do not consider noise to be issue.

TV reception

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

Road / Access Issues

Within the representations concerns have been raised with regard to access related issues. My road colleagues have commented on the proposal and have raised no objection. If the LRB were to support a review of this refusal, a number of conditions could be attached to the consent that would mitigate the concerns raised within the representations in relation to road and pedestrian safety.

LRB / Conditions

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

National Guidance

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

Based on the above, although I appreciate that the majority of the concerns raised in the objectors are unfounded or can be mitigated via conditions, I nevertheless do agree with some of the objectors concerns regarding the visual impact that the turbine may have. I therefore recommend the planning application for a refusal, based on the likely visual impact on the area.

NATIONAL PLANNING GUIDANCE / POLICIES

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

The Scottish Planning Policy 2010

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

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

Of relevance to this application are,

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

PAN - 1/2011 : Planning & Noise

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

DEVELOPMEN PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Strathearn Local Plan 2001

Tay Plan 2012

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

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

Strathearn Area Local Plan 2001

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

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

- (a) The consumption of non-renewable resources should be at levels that do not restrict the options for future generations;
- (b) Renewable resources should be used at rates that allow their natural replenishment;
- (c) The quality of the natural environment should be maintained or improved;
- (d) Where there is great complexity or there are unclear effects of development on the environment, the precautionary principle should be applied;
- (e) The costs and benefits (material and non-material) of any development should be equitably distributed;
- (f) Biodiversity is conserved;
- (g) The production of all types of waste should be minimised thereby minimising levels of pollution;
- (h) New development should meet local needs and enhance access to employment, facilities, services and goods.

Policy 2 (Development Criteria) states that all developments will also be judged against the following criteria (amongst other things)

- The sites should have a landscape framework capable of absorbing or, if necessary, screening the development and where required opportunities for landscape enhancement will be sought;
- In the case of built development, regard should be had to the scale, form, colour, and density of existing development within the locality;
- The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community;
- The road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided;
- The site should be large enough to accommodate the development satisfactorily in site planning terms;

Policy 3 (Landscape) states that development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage

Policy 11 (Renewable Energy) states that the Council will encourage, in appropriate locations, renewable energy projects. Such developments, including ancillary transmission lines and access roads, will be assessed against the following criteria:

- (a) The development will not have a significant detrimental effect on sites recognised by designation at a national, regional or local level, of nature conservation interest or sites of archaeological interest;
- (b) The development will not result in an unacceptable intrusion into the landscape character of the area;
- (c) The development will not result in an unacceptable loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.

Developers will be required to enter into an agreement for the removal of the development and the restoration of the site following the completion of the development's useful life.

Policy 17 (Habitats) states that the Council will seek to protect and enhance habitats of local importance to nature conservation, including grasslands, wetlands and peatlands, habitats that support rare or endangered species, together with those habitats associated within the Earn and Almond river systems in the Plan area.

Policy 24 (Archaeology) states that the Council will seek to protect unscheduled sites of archaeological significance and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.

Proposed LDP 2012

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

OTHER COUNCIL POLICIES

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

OTHER GUIDANCE

The application site lies within Strathearn which falls inside the the area is defined within the TLCA as being one of lowland hills. Within the TLCA, lowland hills is defined as being '*generally smooth and well rounded. The transitional nature of the are is reflected in the land cover and vegetation. Pastoral and even, arable fields give way to rough grazing and open moorland as height is gained. Even on the low Gask Ridge, where farmlands extends onto the summit line, and the land is quite fertile, the greater exposure contributes to the transitional character. There is a considerable*

amount of coniferous forestry, with large plantations (along the Gask Ridge) and in places, extremely geometric. There are, however, signs of modern development including the busy A9 corridor where it climbs over the Gask Ridge to the west of Perth, the lines of the pylons which fan out from the highland glen carrying power to the lowlands, and a number of telecommunications masts exploiting the hills proximity to the settled lowland'.

SITE HISTORY

A detailed planning application (11/01855/FLL) for the same size of turbine (with longer blades and lower hub height) was refused planning permission last year on the grounds that,

- 1 *As the proposed turbine will have a significant adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (visual) amenity from new developments within the landward area, and Environmental and Resource Policy 14 of the Perth and Kinross Structure Plan 2003 which seeks to protect existing local environmental quality from inappropriate renewable energy developments.*
- 2 *As the proposed turbine will potentially have a significant adverse impact on the residential amenity of existing residential properties (by virtue of the turbines appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (residential) amenity from new developments within the landward area.*
- 3 *The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.*

PKC CONSULTATIONS

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

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

PKHT have commented on the planning application and raised no concerns, subject to conditions.

Landscape Officer has commented on the proposal and raised concerns regarding the impact that the proposal may have on the local landscape character of the area.

EXTERNAL CONSULTATIONS

MOD have commented on the proposal and raised no objection.

Scottish Water have commented on the planning application and raised no objection.

SNH have commented on the planning application and raised no objection.

Historic Scotland have commented on the previous planning application in terms of the impact on SAM and although they have raised concerns, these concerns do not merit an objection.

REPRESENTATIONS RECEIVED

Approx 208 letters of representations have been received, of which approx 115 are letters of support and the remainder are letters of objection.

The main issues raised by the objectors are:-

- Impact on visual amenity
- Impact on landscape character
- Impact on protected species
- Noise concerns
- Road / Access related issues
- Impact on cultural heritage assets
- Loss of TV reception

These issues are addressed in elsewhere in this report.

The supporters comments are generally all based on the fact that they consider this a good site for proposal, and that the turbine will not impact on the visual amenity of the area, or on the wider landscape and that renewable energy proposals should be supported in suitable locations.

ADDITIONAL STATEMENTS

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

PUBLICITY UNDERTAKEN

The planning application was advertised in the local press on the 14 December 2012.

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASONS FOR REFUSAL

- 3 As the proposed turbine will have a significant adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (visual) amenity from new developments within the landward area from inappropriate renewable energy developments.
- 4 As the proposed turbine will potentially have a significant adverse impact on the residential amenity of existing residential properties (by virtue of the turbines appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (residential) amenity from new developments within the landward area.
- 3 As the proposal will have a detrimental impact on the sensitive landscape associated with the Gask Ridge, the proposal is contrary to Policy 3 of the Strathearn Local Plan 2001, which seeks to conserve local landscapes from inappropriate developments.
- 4 The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.

JUSTIFICATION

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

INFORMATIVES

None

PROCEDURAL NOTES

None

REFUSED PLANS

12/02067/1 - 11/02067/15 (inclusive)