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Council Building  
2 High Street  
Perth  
PH1 5PH

Tuesday, 07 March 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chambers, 2 High Street, Perth, PH1 5PH** on **Wednesday, 15 March 2017** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BERNADETTE MALONE**  
Chief Executive

***Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.***

**Members:**

Councillor Tom Gray (Convener)  
Councillor Bob Band (Vice-Convener)  
Councillor Henry Anderson  
Councillor Michael Barnacle  
Councillor Ian Campbell  
Councillor Dave Cuthbert  
Councillor Ann Gaunt  
Councillor Joe Giacobazzi  
Councillor Callum Gillies  
Councillor John Kellas  
Councillor Alan Livingstone  
Councillor Murray Lyle  
Councillor Gordon Walker



## **Development Management Committee**

**Wednesday, 15 March 2017**

### **AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 15 FEBRUARY 2017 FOR APPROVAL AND SIGNATURE 5 - 28**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
  - (1) MAJOR APPLICATIONS**
    - (i) 15/01691/FLM - BRIDGE OF CALLY - ERECTION OF 11 WIND TURBINES, CONTROL BUILDING AND ANCILLARY WORKS, GREEN BURN WIND FARM, LAND WEST OF DRUMDERG WIND FARM, BRIDGE OF CALLY 29 - 82**

Report of Handling by Interim Head of Planning (recommendation - refuse) (copy herewith 17/108)
    - (ii) 16/01761/AMM - ABERFELDY - ERECTION OF 20 DWELLINGHOUSES AND 4 FLATS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 16/00478/IPM - PHASE 1) AT LAND 25 METRES SOUTH WEST OF 8 THE BEECHES, ABERFELDY, PERTSHIRE 83 - 106**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/109)
  - (2) LOCAL APPLICATIONS**
    - (i) 16/02175/FLL - PERTH - ERECTION OF A DWELLINGHOUSE WITH ANCILLARY ACCOMMODATION ON LAND 90 METRES SOUTH WEST OF 1 MANSFIELD PLACE, ISLA ROAD, PERTH, 107 - 124**

## **PH2 7GZ**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/110)

- (ii) **17/00077/FLL - MILNATHORT - ERECTION OF A FOOTBALL PAVILION AT DONALDSON MEMORIAL PARK, CHURCH STREET, MILNATHORT** **125 - 138**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/111)

**(3) PROPOSAL OF APPLICATION NOTICE (PAN)**

- (i) **17/00001/PAN - AUCHTERARDER - MIXED USE DEVELOPMENT COMPRISED OF HOLIDAY ACCOMMODATION, SPA, RESTAURANTS, RETAIL, PUBLIC HOUSE, EVENTS SPACE, RESIDENTIAL DWELLINGS, STORAGE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT EASTERTON FARM, NEAR GLENEAGLES, AUCHTERARDER** **139 - 148**

Pre-Application Report by Interim Head of Planning (copy herewith 17/112)

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## DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH on Wednesday 15 February 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, K Baird (substituting for A Livingstone), D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, M Lyle, W Robertson (substituting for M Barnacle) and G Walker.

In Attendance: N Brian, A Condliffe, J Ferguson, T Maric, A Rennie, J Scott, K Steven and C Stewart (all the Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle, I Campbell and A Livingstone.

Councillor T Gray, Convener, Presiding.

### . WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

### . DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

### . MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 18 January 2017 (Arts. 34-38) was submitted, approved as a correct record and authorised for signature.

### . DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications, which deputations had been received timeously:

#### Planning Application No.

16/01348/IPM  
16/01595/IPM  
15/02097/FLL  
16/01313/FLL

#### Art. No.

\*\* (1)(i)  
\*\* (1)(ii)  
\*\* (2)(i)  
\*\* (2)(ii)

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The Convener then asked the Committee if they were minded to hear a deputation from an objector to Art. \*(iii), planning application 16/01418/FLL, which deputation request had been received after the deadline. The Committee unanimously agreed to allow this deputation to be heard.

**APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) **16/01348/IPM – PERTH – Residential development (in principle) on land 150 metres South West of Dobbies Garden Centre, East Huntingtower, Perth – Report 17/68 – Perth City West LLP**

Mr P Pritchett, agent for the applicant, addressed the Committee and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives, not including the original informatives 1 and 2:

**Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to the in Principle Permission (02/01482/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 8 years.

**Conditions**

1. The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. For the proposed phased development the application for Approval of Matters Specified in Conditions for shall be made no later than 2 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for such matters, whichever date is the earlier.
2. The site layout plan, phasing plan and housing numbers as submitted are purely indicative and are not approved.
3. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and

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construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the approved Delivery Plan unless otherwise agreed in writing by the Planning Authority.

4. No development shall commence on any phase until further planning application/applications have been submitted to and approved by the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:
  - a) The delivery of the development in phases associated with the areas prescribed in the Masterplan.
  - b) Details of all cut and fill operations.
  - c) Full details of the proposed means of disposal of foul water to serve the development.
  - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
  - e) The siting, design, height and external materials of all buildings or structures.
  - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
  - g) Details of any screen walls/fencing to be provided.
  - h) Details of all landscaping, planting and screening associated with the development
  - i) Details of play areas and the equipment to be installed.
  - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
  - k) Detailed specification of all street and footpath lighting.
  - l) Detailed specification of noise and lighting mitigation measures to be incorporated along properties that face the A9 and 85 Roads.
  - m) Detailed plan of public access across the site (existing, during construction and upon completion).

The development shall be implemented in accordance with the planning application(s).
5. In pursuance of condition 4 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul

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drainage system shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Water and Scottish Environment Protection Agency. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

6. In pursuance of Condition 4 d), disposal of surface water:-
  - a) all storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
  - b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in the Drainage Strategy. The agreed detail shall thereafter be implemented prior to the completion of the development.
  - c) The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
  - d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the Town Lade. The discharge of any surface water drainage to the Perth Town Lade will be limited to 80-90% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.
7. In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-
  - a) The submission of sustainability checklists
  - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
  - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.



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Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

8. In pursuance of condition 4 j), all applications for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).
9. In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
  - a) Existing and proposed finished ground levels relative to a fixed datum point.
  - b) Existing landscape features and vegetation to be retained.
  - c) Existing and proposed services including cables and any substations.
  - d) The location of new trees, shrubs, hedges, grassed areas and water features.
  - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
  - f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
  - g) An indication of existing trees, shrubs and hedges to be removed.
  - h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

10. In pursuance of condition 4 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of development, will be submitted for the written approval of the Council as Planning Authority and show:-

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- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
  - c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.
  - d) Any diversions of paths, temporary or permanent proposed for the purposes of the development.
  - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.
11. Development shall not commence until a Green Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the various elements of the development and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. The plan will include details of the financial contribution required to provide an adequate local bus service for the development and the pedestrian crossing over the A9.
12. No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85/Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.
13. No more than 100 residential units are permitted to be occupied until the A9 / A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, is operational.
14. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

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15. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
16. Prior to commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, following consultation with Transport Scotland.
17. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
18. There shall be no drainage connections to the trunk road drainage system.
19. No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
20. Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the A9 and A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
21. The Habitat Survey undertaken and submitted with the planning application 16/01348/IPM shall be updated and re-submitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.
22. Development shall not commence until further information is submitted on the culverted watercourse flowing through the development site as shown on drawing entitled "CCTV Survey results, Drainage Strategy" by Goodson Associates, Drawing Number DSP01. Further Information must detail the culvert source, and detail post development proposals. No dwellings shall be erected above the culvert.
23. No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of

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- archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the service, shall be submitted to and approved in writing by the planning authority, after satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
24. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
  25. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
  26. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
  27. Dust mitigation measures as detailed in the Air Quality Impact Assessment document by Energised Environments dated 11 August 2016 shall be followed at all times during construction.
  28. Construction work shall be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy work on a Sunday.

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29. Noise shall be re-assessed at the Approval of Matters application stage with further mitigation suggested to ensure all properties are adequately protected from road noise.
30. For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
31. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

| Capacity<br>(Litres) | Width<br>(mm) | Height<br>(mm) | Depth<br>(mm) |
|----------------------|---------------|----------------|---------------|
| 240                  | 580           | 1100           | 740           |

32. Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority. This report should investigate the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.
33. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.
34. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
35. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer

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Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

36. Prior to the commencement of development a detailed ground investigation and reclamation statement shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be restricted to those areas that will form garden grounds unless the investigation identifies the requirement to assess ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British standards. Any necessary works of remediation shall be implemented in accordance with the approved reclamation statement prior to the new dwellings being first occupied.

**Justification**

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

**Procedural notes**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed and signed to reflect the current planning reference 16/01348/IPM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

**Informatives**

- 1 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :

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- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 2 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 3 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
- 6 There is evidence of Hogweed present on the site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

**(ii) 16/01595/IPM – BLAIRGOWRIE – Variation of condition 5 (roads and access) of permission 09/01345IPM (mixed use development including residential, business, nursing home and hotel) at Glenisla Golf Club, Alyth, Blairgowrie – Report 17/69 – Glenisla Developments Ltd**

Mr M Officer, applicant, addressed the Committee and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Directives**

- 1 Perth and Kinross Council, under section 59 of the Town and Country Planning (Scotland) Act 1997 shall substitute subsections (2)(a) and (b) of section 59 of the Act with the

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following text as it is considered appropriate by the Planning Authority in this instance, due to the scale of the development, the proposal's relationship with the current Development Plan and the fact that the initial planning permission was granted in 2010.

- (a) An application for the approval of a) a master plan for the entire development site and b) all matters specified in conditions for the development of the first development phase, shall be made before the expiration of 18 months from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case an application for the approval of all such matters specified in conditions must be made within 6 months of the date of such refusal or dismissal. The approved development shall thereafter commence not later than the expiration of 2 years from the date of this grant of planning permission in principle or 1 year from the final approval of matters relating to the first development phase, whichever is later.
- (b) With the exception of a) a master plan for the entire development site and b) all matters specified in conditions for the first development phase, the remainder of the development that is subject to this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been approved before whichever is the latest of:
  - (i) the expiration of 7 years from the date of this grant of planning permission in principle;
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

**Conditions**

- 1 That no development shall be undertaken in any phase unless a detailed phasing programme and masterplan outlining the delivery strategy for the proposed land use, open space and roads infrastructure across the entire application site has been submitted to, and approved in



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- writing by the Council as Planning Authority via a formal 'Matters Specified in Conditions' application.
- 2 Notwithstanding the requirements of condition 1, the development of each individual phase shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
  - 3 The residential layout and the position of the nursing home is not approved.
  - 4 The number of mainstream residential units shall not exceed 216.
  - 5 Prior to the commencement of construction within each phase of the development, all matters regarding access, car parking, road layout, design and specification within that phase, including the disposal of surface water, shall be designed in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority. Thereafter, all approved works shall be completed within a timescale agreed with Perth and Kinross Council.
  - 6 Each application for the approval of matters specified in conditions (relating to the different phases) shall include a transport assessment scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car), to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.
  - 7 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices, to the satisfaction of the Council as Planning Authority.
  - 8 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to

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- the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
- 9 No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority, to protect Scheduled Monument 1575. In addition, no works shall take beyond the fencing without the prior agreement of the Council as Planning Authority and Perth and Kinross Heritage Trust.
- 10 The setting of Scheduled Monument 1575 shall be protected, to the satisfaction of the Council as Planning Authority, in consultation with Historic Scotland.
- 11 Each application for the approval of matters specified in conditions (relating to the different phase) shall include an updated air quality report(s), unless otherwise agreed in writing by the Council as Planning Authority.
- 12 A detailed construction method statement must be submitted to the Council prior to works starting and shall include pollution prevention, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing details of the construction, all to the satisfaction of the Council as Planning Authority.
- 13 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
- 14 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.
- 15 All submitted details relating to the hotel, nursing home, clubroom extension and business starter units are for indicative purposes only, and are therefore not approved as part of this application.
- 16 Prior to the approval of matters specified in conditions in relation to the first phase of the development, a detailed ecological survey (including flower and fauna) of the whole site shall be carried out and submitted for the approval in writing by the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority. Thereafter, each

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application for the approval of matters specified in conditions of subsequent phases of development, must include an updated ecology report, unless otherwise agreed in writing by the Council as Planning Authority.

**Justification**

The proposal is considered to be contrary to the Development Plan, but there are other material considerations that would justify a departure there from.

**Informatives**

- 1 For the avoidance of doubt, the term 'phase' within any condition or directive shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

- (iii) **16/01874/FLM – BLAIRINGONE – Deletion of condition 6 (occupation) of permission 08/01561/FLM (formation of an equestrian centre, utility shed, indoor riding school, stables, 4 chalets/cottages and 7 dwellinghouses with associated car parking) on land 100 metres West of Easter Muirhead, Blairingone – Report 17/70 – Mr Ron Brady**

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

- 1 Prior to the occupation and use of the approved manager's dwellinghouses, the associated approved landscape plan 08/01561/17 shall be implemented.
- 2 Consistent with conditions 4 and 9 of planning consent 08/01561/FLM, supplementary landscaping planting proposals around the periphery of the site shall be submitted for further written approval of the Planning Authority within 6 months of this Committee decision. The scheme as agreed shall be implemented during the first available planting season thereafter.
- 3 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.
- 4 A detailed foul drainage plan shall be submitted for the approval of the Planning Authority in consultation with SEPA within 3 months of this Committee decision.

**Justification**

The principle of supporting the removal of condition 6 of planning consent 08/01561/FUL is not considered to conflict with the Development Plan to a level that would warrant refusal of the

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application and there are associated material considerations, which assist in justifying the removal of this condition.

**Procedural Notes**

- 1 No consent shall be issued until the payment of a commuted sum towards affordable housing provision of £7500 has been secured through either an upfront payment or a Section 75 Legal Agreement has been agreed between the applicant and the Council.
- 2 Consistent with procedural note 1, the formal planning consent shall not be issued until such time as the required commuted sum for affordable housing has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application will be refused under delegated powers.

**(2) Local Applications**

- (i) 15/02097/FLL – DUNNING – Erection of 3 agricultural buildings and workshop/offices/staff accommodation building and land engineering operations (in part retrospect) at land 200 metres South East of A M Howie Yard, Yetts of Muckart Road, Dunning – Report 17/71 – Mr Ross Howie**

Ms A Armstrong, objector to the application, Mr J Perrett, Dunning Community Council, objector to the application, and Mr S Howie, on behalf of the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

**Motion (Councillors Gray and Gaunt) – Refuse the application for the following reasons:**

1. The proposal is contrary to Policy ED3(a) of the Perth and Kinross Local Development Plan 2014, in that due to its proximity to residential properties, the proposal would detrimentally impact on the amenity of these properties.
2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that due to its proximity to residential properties, the proposal would not contribute positively to the quality of the surrounding built and natural environment, or respect the character and amenity of the place.
3. The proposal is contrary to Scottish Government Advice detailed in ‘The Prevention of Environmental Pollution from Agricultural Activity’ Code of Good Practice, in that the proposal represents a substantial departure from the Code which recommends a distance of 400 metres from residential accommodation as the nearest residential

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**properties of Glen Rossie House and Sawmill Cottage at Newton of Pitcairns are 45 and 47 metres from the site.**

Amendment (Councillors J Kellas and H Anderson) – Grant, subject to the terms, conditions and informatives contained in Report 17/71, including an additional condition 17 and procedural notes as undernoted:

**Additional condition**

17 The development shall be fully carried out in accordance with the Noise Impact Assessment produced by Airshed dated 17 August 2016 and updated 28 October 2016. Particular reference is drawn to the proposed noise mitigation measures outlined in Table 5 of the 17 August 2016 report.

**Procedural notes**

- 1 Consent not to be issued until payment of the required developer contribution is paid or a Section 75 Agreement has been completed and signed.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

In accordance with Standing Order 44, a roll call vote was taken.

2 members voted for the Amendment as follows:  
Councillors H Anderson and J Kellas.

10 members voted for the Motion as follows:  
Councillors T Gray, K Baird, B Band, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, M Lyle, W Robertson and G Walker.

Amendment – 2 votes

Motion – 10 votes

**Resolved:**

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED

- (ii) **16/01313/FLL – CROOK OF DEVON – Erection of a dwellinghouse at land 40 metres West of Devonlade, Main Street, Crook of Devon – Report 17/72 – Mr and Mrs Devanny**

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Ms J Donachie and Mr B Shannon, objectors to the application, followed by Mr C Devanny, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors Robertson and Cuthbert) – Refuse, as the proposal is contrary to:

1. Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that by virtue of its two-storey design, the proposal would not respect the character and amenity of the place, and would result in overlooking of neighbouring properties.
2. Policy RD1(a) of the Perth and Kinross Local Development Plan 2014, in that by virtue of its two-storey design, the proposal would not respect the environs of the site.

**Amendment (Councillors Kellas and Band) - Grant, subject to the following terms, conditions and informatives:**

**Conditions**

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this planning permission.**
- 2 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.**
- 3 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.**
- 4 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.**
- 5 Prior to the commencement of any construction works associated with the dwellinghouse hereby approved the full details of the compensatory flooding storage to make up for the land raising approved (16/01313/8) shall be submitted to and approved in writing by the Planning Authority. It shall subsequently be undertaken in full to the satisfaction of the Council as Planning Authority in consultation**

with the Structures and Flooding Team. Upon completion of the compensatory storage the Planning Authority shall be informed and an inspection undertaken by the Structures and Flooding Team. No construction works associated with the dwellinghouse hereby approved shall occur on site until the Planning Authority has confirmed in writing that the compensatory storage is acceptable and in accordance with the required details. The compensatory storage areas shall thereafter be maintained in perpetuity.

- 6 All land at or below 143.46mAOD (regarded as the functional Flood plain) shall be maintained at existing ground levels on completion of the development in perpetuity. A topographical survey of final ground levels shall be submitted to the Council as Planning Authority within 14 days of the completion or bringing into use of the dwellinghouse hereby approved, whichever is the earlier.
- 7 The existing trees and hedging on the boundaries, other than those marked for removal on the approved plans shall be retained in perpetuity to the satisfaction of the Council as Planning Authority.

#### **Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

#### **Informatives**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as

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- amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

In terms of Standing Order 44, a roll call vote was taken.

7 members voted for the Amendment as follows:

Councillors T Gray, B Band, H Anderson, J Giacomazzi, J Kellas, M Lyle and G Walker.

5 members voted for the Motion as follows:

Councillors K Baird, D Cuthbert, A Gaunt, C Gillies and W Robertson.

Amendment – 7 votes

Motion – 5 votes

**Resolved:**

In accordance with the Amendment.

- (iv) **16/01418/FLL – ALYTH – Variation of condition 1 of permission 13/00615/IPL (residential development (in principle) to extend the time period for the commencement of development at land 60 metres East of 9 Local Road, Alyth – Report 17/73 – Mrs Lynne Thomson**

Mr D Bell, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure,



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- means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
- 2 All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority. Additional access points to the site should be explored to ensure that the layout accords with the Scottish Government's Designing Streets policy.
  - 3 Unless otherwise agreed in writing, all trees shall be retained to the satisfaction of the Council as Planning Authority.
  - 4 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
  - 5 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.
  - 6 The numbers of dwellings and layout shown are not approved as part of this consent.
  - 7 No trees on the site shall be felled without the prior written agreement of the Council as Planning Authority. Any detailed application shall be accompanied by a detailed tree survey carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.
  - 8 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes

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serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

- 9 Further to Condition 1 above, a Flood Risk Assessment (FRA) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The FRA shall consider flood risk from all sources and shall be developed in accordance with the relevant technical guidance published by the Scottish Environment Protection Agency (eg Technical Flood Risk Guidance for Stakeholders) and the Council's Flood Risk and Flood Risk Assessment Developer Guidance.
- 10 Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.
- 11 The asserted right of way/core paths to the west of the site must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of

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planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

**(3) Proposal of Application Notice (PAN)**

- (i) 16/00013/PAN – PERTH – Proposed planning permission in principle for residential and development (classes 4, 5 & 6) and associated works with possible primary school, district heating system and park and ride at land 250 metres South East of Auteven, West Huntingtower, Perth – Report 17/74**

Members noted that all relevant issues had been addressed in the Development Quality Manager's report although Councillor Anderson asked that officers ensure that the agricultural land is correctly classified.

- (ii) 16/00014/PAN – AUCHTERARDER – Proposed business park including use classes 4, 5 & 6 and associated works at land 130 metres South of Field View, Windsole, Auchterarder – Report 17/75**

Members noted that all relevant issues had been addressed in the Development Quality Manager's report.

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

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

Ref. No: 15/01691/FLM  
Ward No: N3 - Blairgowrie and Glens

**Summary**

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

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

**PROPOSAL**

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

- 4 The applicant has advised that the electricity grid connection point would be an off-site connection via a 33 kilovolt (kV) buried cable to the Coupar Angus substation approximately 18 km from the site.
- 5 The development is expected to have an operational life span of twenty-five years. Construction would take approximately twelve months with decommissioning taking a further twelve months. The maximum combined output of the turbines is dependent on the turbine however the applicant has confirmed that the generating capacity of each turbine would be up to 3 megawatts (MW). This would result in the development having a total potential generating capacity of up to 33MW.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects, to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 The Environmental Statement (ES) supports the planning application and is a key part of the submission.
- 9 Following consultee feedback in 2015 Supplementary Environmental Information (SEI) was submitted in September 2016 responding to issues covering landscape and visual impact including residential amenity; noise; cultural heritage; ornithology; ecology; hydrology; hydrogeology and geology; transport and access; tourism, recreation and land use; shadow flicker; climate change and air quality; and aviation and telecommunications.

## **FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT**

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

### **Design and Access Statement**

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

## **Pre-application Consultation Report**

- 12 Under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 this proposal is defined as a Major application due to the electricity generating capacity of the thirteen turbine proposal exceeding 20 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 13 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the measures agreed through the Proposal of Application Notice. Public Consultation events took place locally during February 2015 and further consultation events took place in October 2016 following submission of the SEI.

## **Tourism Report**

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

## **NATIONAL POLICY AND GUIDANCE**

- 16 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy 2014 (SPP) and Planning Advice Notes (PAN).

## **National Planning Framework**

- 17 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for Development Plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

## **The Scottish Planning Policy 2014**

18 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans.
- the design of development, from initial concept through to delivery.
- the determination of planning applications and appeals.

19 Of relevance to this application are:

20 A successful Sustainable Place

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

21 A Low Carbon Place:

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

22 A Natural, Resilient Place:

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 242 – 248 Promoting Responsible Extraction of Resources
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

## **Planning Advice Notes**

23 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage



## **Onshore wind turbines – Online Renewables Advice December 2013**

- 24 Provides specific topic guidance to Planning Authorities from the Scottish Government.
- 25 The topic guidance includes encouragement to planning authorities to:
- Development spatial strategies for wind farms.
  - Ensure that Development Plan Policy provides clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects.
  - The involvement of key consultees including SNH in the application determination process.
  - Direct the decision maker to published best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.
- 26 In relation to any assessment of cumulative impacts it is advised that:

*In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines, either as stand-alone groups or extensions to existing wind farms. In other cases, where proposals are being considered in more remote places, the threshold of cumulative impacts is likely to be lower, although there may be other planning considerations.*

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

### **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012**

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

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

- 29 The principle relevant policies are:

## **Policy 2: Shaping Better Quality Places**

- 30 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

## **Policy 3: Managing TAYplan's Assets**

- 31 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

## **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 32 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

## **Perth and Kinross Local Development Plan 2014**

- 33 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 34 The relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 35 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

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

### **Policy PM2 - Design Statements**

- 37 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy ED3 - Rural Business and Diversification**

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

### **Policy TA1A - Transport Standards and Accessibility Requirements**

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

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 41 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy CF2 - Public Access**

- 42 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy HE1A - Scheduled Monuments**

- 43 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Non Designated Archaeology**

- 44 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

## **Policy HE2 - Listed Buildings**

- 45 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

## **Policy HE4 - Gardens and Designed Landscapes**

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

## **Policy NE1A - International Nature Conservation Sites**

- 47 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

## **Policy NE1B - National Designations**

- 48 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

## **Policy NE1C - Local Designations**

- 49 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

## **Policy NE2A - Forestry, Woodland and Trees**

- 50 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

## **Policy NE2B - Forestry, Woodland and Trees**

- 51 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 52 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy NE4 - Green Infrastructure**

- 53 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

### **Policy ER1A - Renewable and Low Carbon Energy Generation**

- 54 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

### **Policy ER1B – Extensions of Existing Facilities**

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

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

- 56 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy EP2 - New Development and Flooding**

- 57 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP3C - Water, Environment and Drainage**

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

## **Policy EP5 - Nuisance from Artificial Light and Light Pollution**

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

## **Policy EP8 - Noise Pollution**

- 60 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **OTHER POLICIES**

### **Perth & Kinross Wind Energy Policy & Guidelines (WEPG) 2005**

- 61 This supplementary guidance was approved by Perth & Kinross Council on 18 May 2005.
- 62 The Council recognises that following the publication of the Scottish Planning Policy in 2010 and 2014, it is necessary to revisit and refine the precise wording of its supplementary guidance on wind energy, to ensure that it provides the most up-to-date and helpful guidance for both developers and the Council in its consideration of planning applications for wind energy developments. I therefore consider that although the presence of this document should be noted, its weighting in the determination of this planning application should be limited. This takes account of the Council's experience in using the WEPG since 2005 and the findings of the Reporter in relation to the Abercairney wind farm proposal in April 2014.

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

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

### **Tayside Landscape Character Assessment (TLCA)**

- 64 The Tayside Landscape Character Assessment (TLCA), 1999, is published by Scottish Natural Heritage and remains a valid baseline resource. Whilst some of its guidance on wind energy is dated, owing to the much smaller size of turbines considered in the TLCA, other aspects of the study remain a useful resource.
- 65 For clarification the application site is lying within the *Highland Summits and Plateaux* landscape character type (LCT) and the *Forest of Alyth* landscape unit. The Tayside LCA includes general guidance on wind energy development within the *Highland Summits and Plateaux* LCT but this was written at a time when turbines were much smaller structures and still relatively novel features in the landscape.

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

- 66 This document's purpose is to inform the development of the 'Spatial Strategy for Wind' which will be subject to consultation and ultimately approval by the Council as Supplementary Guidance. The need for the preparation of this Supplementary Guidance is detailed in the LDP under the heading 'Guidance to be published later' in Appendix 1: List of Supplementary Guidance.
- 67 At the outset, the author of the Study, states that the document should not be used in the determination of individual planning applications. i.e. this study will provide only one 'layer' of information to inform that work. Although this document will form part of a strategic planning framework and the report should not be used in isolation, or to 'test' proposed wind farm developments, there are elements of the study which are useful in the consideration of the application but the weighting that can be attached to this technical report is limited.
- 68 The process of determining the methodology in this document was agreed through a steering group and consultation with landscape consultants. The results of that consultation can be found in Appendix A of Appendix C of the document.
- 69 For clarification the site lies within the smaller 'Transitional *Moorland with Forest*' LCT and the 'Forest of *Alyth*' landscape unit, on account of its transitional character between the 'Mountain *Summits and Steep Ridges*' and the 'Highland *Foothills*'.
- 70 Immediately to the west lies the 'Lower *Glen Shee*' landscape unit within the 'Lower *Highland Glens*' landscape type. The DTA study considers the 'Forest of *Alyth*' landscape unit within which Green Burn Wind Farm would lie as having medium landscape sensitivity to wind energy development with potential capacity for a medium wind farm of 13 to 20 turbines up to approximately 120m high.

### **Perth and Kinross Local Landscape Areas**

- 71 This supplementary guidance has been prepared to support LDP Policy ER6 "*Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes*". The supplementary guidance provides a review of local landscape designations and received approval by Scottish Ministers on 17 June 2015 and has been adopted by the Council from this date.
- 72 For clarification the application site is not within or close to any designated Special Landscape Areas (SLA).

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

- 73 Glasgow Caledonian University was commissioned in June 2007 to assess whether Government priorities for wind farms in Scotland are likely to have an economic impact – either positive or negative – on Scottish tourism. The objectives of the study were to:
- Discuss the experiences of other countries with similar characteristics.
  - Quantify the size of any local or national impacts in terms of jobs and income.
  - Inform tourism, renewables and planning policy.
- 74 The overall conclusion of this research is that the Scottish Government should be able to meet commitments to generate at least 50 per cent of Scotland's electricity from renewable sources by 2020 with minimal impact on the tourism industry's ambition to grow revenues by over £2 billion in real terms in the 10 years to 2015.
- 75 Four parts of Scotland were chosen as case-study areas and the local effects were also found to be small compared to the growth in tourism revenues required to meet the Government's target. The largest local effect was estimated for 'Stirling, Perth and Kinross', where the forecasted impact on tourism would mean that Gross Value Added in these two economies would be £6.3 million lower in 2015 than it would have been in the absence of any wind farms (at 2007 prices). The majority of this activity is expected to be displaced to other areas of Scotland, and the local effect on tourism should be considered alongside other local impacts of the developments – such as any jobs created in the wind power industry itself. This is equivalent to saying that tourism revenues will support between 30 and 339 jobs fewer in these economies in 2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.
- 76 The research concluded that the evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the tourist industry than a large number of small farms scattered throughout Scotland. However, the evidence, not only in this research but also in research by Moran, commissioned by the Scottish Government, is that landscape has a measurable value that is reduced by the introduction of a wind farm.
- 77 Based on survey responses and research findings, the research in this report suggests that from a tourism perspective:
- Having a number of wind farms in sight at any point in time is undesirable from the point of view of the tourism industry.
  - The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.
- 78 These suggest that to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.



## **Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape 2014**

- 79 Guides windfarms towards those landscapes best able to accommodate them and advises on how windfarms can be designed to best relate to their setting and minimise landscape and visual impacts.

## **Scottish Natural Heritage – Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012**

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

## **Scottish Natural Heritage – Visual Representation of Windfarms December 2014**

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

## **SITE HISTORY**

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

- Drumderg (operational) - 16 turbine scheme at 107 metres to tip.
- Welton of Creuchies (consented) 4 turbine scheme at 99 metres to tip.
- Tullymurdoch (consented) 7 turbine scheme at 120 metres to tip, 80m to rotor.
- Tullymurdoch (revised turbine dimensions) 7 turbine scheme at 115 metres to tip, 92.5m to rotor. Challenge to Court of Session (CoS) dismissed December 2016. Further legal challenge to (CoS) ongoing.
- Corb (consented) single turbine scheme 84 metre to tip.
- Dulater Hill (S36 application under consideration via Public Inquiry in March 2017) 17 turbine scheme 125 metres to tip.

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Environmental Protection Agency (SEPA)**

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

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

### **Scottish Natural Heritage (SNH)**

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

### **Historic Environment Scotland (HES)**

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

### **Transport Scotland**

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

### **Royal Society for the Protection of Birds**

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

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

#### **Forestry Commission Scotland (FCS)**

- 95 No comments received.

#### **Scottish Water**

- 96 No comments received.

#### **Ministry of Defence**

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

#### **National Air Traffic Control Scotland (NATS)**

- 98 No safeguarding objection to the application.

#### **Joint Radio Company**

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

#### **Cairngorms National Park Authority (CNPA)**

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

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

### **Angus Council**

- 103 No comments received.

### **Mount Blair Community Council**

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

### **Alyth Community Council**

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

### **Blairstown and Rattray Community Council**

- 106 Neither object nor support the proposal.

### **Kirremuir Landward West Community Council**

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

### **Perth and Kinross Heritage Trust (PKHT)**

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

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

## **INTERNAL**

### **Community Greenspace including Access**

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

### **Flood Risk and Structures**

- 111 No objection to the proposal.

### **Bio-Diversity Officer**

- 112 No response received.

### **Strategy and Policy**

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

### **Transport Planning**

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

## **Environmental Health (including Dick Bowdler Acoustic Consultant)**

- 117 Environmental Health has commented in the context of construction noise, shadow flicker and the protection of private water supplies.
- 118 In terms of shadow flicker there are relatively few properties within the 20 turbine height radius which are likely to be affected by shadow flicker. Of these, the applicant has identified 3 which assessed, on a worst case basis, could lead to unacceptable loss of amenity here. In order to ameliorate these affects the applicant has suggested that a Wind Farm Shadow Flicker Protocol be submitted prior to the construction of the first turbine and it is recommended that this be attached as a condition on any permission.
- 119 In respect of shadow flicker they advise that properties within a 10 rotor diameter need to be considered, as no properties fall within this distance they do not foresee issues with shadow flicker.
- 120 In terms of water supply the surrounding area contains private water supplies known to serve all properties in the vicinity. Environmental Health consider that conditional control can regulate potential effects on private water supplies and recommend the need for an Environmental Protection Plan including a Water Management Plan is submitted and approved.
- 121 Environmental Health note that once the development is operational their Service will have statutory duties detailed in the Private Water Supplies (Scotland) Regulations 2006 to monitor the water quality.
- 122 With regards to operational noise, Dick Bowdler Acoustic Consultant was requested to review the Environmental Statement and the Supplementary Environmental Information (SEI) submitted by the applicant. His response confirms that he is not in full agreement with the applicant's acoustic assessment. Whilst not objecting to the proposal he recommends that certain noise conditions will be required with any permission because of the cumulative impact of the proposal with Drumderg Wind Farm and the wind turbine at the Corb.

## **Representations**

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

## **Support**

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

## Objections

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

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

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

- Property values - it should be noted that the potential loss in property value falls outwith the remit of this planning assessment
- Turbines not made in Great Britain- It is not the role of the Planning Authority to comment on where the turbines are manufactured/produced.
- Efficiency of turbines questioned and no site specific wind data - a number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.

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

## ADDITIONAL STATEMENTS

|                                                |                                                                                                                                                            |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Submitted                                                                                                                                                  |
| Screening Opinion                              | Environmental Statement submitted.                                                                                                                         |
| Environmental Impact Assessment                | Yes                                                                                                                                                        |
| Appropriate Assessment                         | Not undertaken following guidance from Scottish Natural Heritage.                                                                                          |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                                  |
| Report on Impact or Potential Impact           | Incorporated into Environmental Statement.<br><br>Supplementary Environmental Information<br><br>Pre-application Consultation Report<br><br>Tourism Report |

## APPRAISAL

- 129 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by section 2 of the Planning etc. (Scotland) Act 2006, decrees that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Thus it is necessary to establish whether the proposal accords with the Development Plan and whether any material consideration indicates that the decision should not accord with the plan. The Development Plan for the area within which the application site lies consists of TAYplan Strategic Development Plan 2012 and the Perth and Kinross Local Development Plan 2014.
- 130 TAYplan provides the general strategic planning context for the area in order to inform the preparation of individual local development plans. This includes providing the vision and general planning objectives. In relation to renewable energy proposals, the general objective is that provision should be made in an environmentally acceptable manner. However, TAYplan does not include detailed guidance that is directly relevant for the assessment of an individual wind farm proposal.
- 131 With regards to the LDP, Policy ER1 is of particular importance as it relates to renewable energy generation. The criterion contained within this policy forms the main basis for the determination of the application. Policy ER 1A addresses new proposals. Policy ER 1B relates to extensions of existing facilities. It should be noted that Policy ER 1B cross refers to the same assessment criteria as Policy ER1A.



- 132 Policy ER 1A supports renewable energy proposals subject to considering a range of factors including biodiversity, landscape character, visual integrity, wildness qualities, transport implications and the impact upon tourism which is in line with Scottish Government planning policy and the planning objectives of TAYplan.
- 133 There are numerous other individual planning policies that are applicable in the determination of the application as detailed in the policy section. It should be noted that a degree of overlap and some duplication occurs, however Policy NE1 - Environment and Conservation, Policy NE 3 - Biodiversity and Policy ER 6 - Managing Future Landscapes are of relevance in the determination of this application.
- 134 The policy position is generally supportive of renewable energy schemes. It is important to note though that this is subject to a number of criteria being satisfied, renewable energy schemes may meet some environmental requirements and not others therefore an overall judgement has to be made on the weight to be given to the 'positives' and 'negatives' which will determine whether it is environmentally acceptable. Any significant adverse effects on local environmental quality must be outweighed by the proposals energy contribution. These factors are considered in the assessment that follows.

### **Natural Heritage**

- 135 The LDP contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. NE1A relates to International Nature Conservation Sites, NE1B relates to National Designations, NE1C covers Local Designations while NE3 Bio-diversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

#### International Nature Conservation Sites and National Designations

- 136 Development which could have a significant effect on an international nature conservation designated site (or proposed site) will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, that there are no alternative solutions and there are imperative reasons of overriding public interest.

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

- 137 The development site is approximately 1km from the boundary of the River Tay SAC. The wind farm lies within the catchment of several small burns which are tributaries of the Tay and SNH consider there to be connectivity with the River Tay SAC. The applicant's Environmental Statement (ES) identifies the features for which the River Tay SAC is classified, namely Atlantic salmon, otter, river, brook and sea lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels.

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

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

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

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

#### Local Designations and Biodiversity

- 146 Policy NE1C confirms that development which would affect an area designated as being of local nature conservation interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. There are no adverse impacts on local nature conservation interest designations. Therefore policy NE1C is not contravened.
- 147 Policy NE3 stipulates that all wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the set out criterion. The habitat of the site predominantly consists of upland heath and the ES recommends the production of a Habitat Management Plan to enhance the heath and any bog communities retained on site.
- 148 Otter, wildcat and pine martens were recorded within the development site with suitable foraging habitat available for wildcat. Accordingly there is the potential for disturbance or damage to the resting places of protected species from construction and operation of the wind farm, such as operations to upgrade or widen the existing track, implement new tracks and any water crossings.
- 149 The ES and SEI makes recommendations for pre-construction surveys for otters, wildcat and pine martens. Results of these surveys will inform any licensing requirements and should form the basis of individual Species Protection Plans (SPP) and mitigation measures. It is considered that this can be controlled by condition and will safeguard wildlife and wildlife habitats to comply with LDP policy NE3.
- 150 In terms of breeding birds SNH advise that the site is regionally important for its Black Grouse interest with several well used lek sites in and adjacent to the turbines. The development is likely to displace or otherwise dissuade the grouse from using the site resulting in significant impacts on the species at a regional level. The suggested mitigation measures and habitat management plan are not sufficiently detailed to allow SNH to gauge if they are likely to be successful in preventing these significant impacts.
- 151 RSPB recommend the requirement for a buffer zone of at least 500m between the lek(s) and the location of any turbine to minimise the risk of displacement during operation. However, the new turbine locations are still within 500m of some of the leks, and RSPB recommend that certain turbine locations are revised further to correct this as the site is regionally important for this red listed species

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

#### Ornithology

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

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

## **Water resources and Carbon Rich Soils**

### Private Water Supplies

- 162 Environmental Health confirmed that there is a limited public mains water service in the area therefore many surrounding properties are served by private water supplies. They recommended that the Environmental Protection Plan (EMP) should include a Water Management Plan which should include full details of the sources, infrastructure including treatment and properties served by private water supplies arising within, or likely to be affected by the development. The EMP should also include details of the proposed nature and frequency of the baseline water supply monitoring prior to commencement, during and subsequent to completion of the development. Details of the proposed methods of alerting affected individuals as a result of a contamination issue arising from the development should also be included along with alternative water supply arrangements.
- 163 While contamination of water supplies is a private legal issue, I consider it reasonable to safeguard water quality and water supplies by condition to ensure the amenity of residential properties and/or other enterprises which use that supply are protected. Accordingly conditional control can be applied should planning permission be granted.

### Groundwater Dependant Terrestrial Ecosystems and Management of Peat

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

## **Borrow Pits**

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

## **Forestry/Trees**

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

## **Historic Environment, Cultural Heritage**

- 169 HES has confirmed that they are content that the windfarm has been designed to avoid direct impacts upon nationally important heritage assets. Therefore it is considered that the proposal accords with Policy HE1A-Scheduled Monuments and HE4 Gardens and Designed Landscapes.
- 170 Policy HE2 or HE3 of the LDP requires the setting of listed buildings and conservation areas to be taken into account. In this case the proposed wind farm would not have a significant effect on listed buildings or conservation areas.
- 171 Consultation has been undertaken with the PKHT. The proposed development area is considered to be archaeologically sensitive including a number of prehistoric settlement sites and associated agricultural remains, and a large, kerbed burial cairn. Medieval or later rural settlement sites are also present. The potential for buried archaeological remains, particularly in relation to visible sites, is considered to be moderate to high.
- 172 PKHT confirm that the Cultural Heritage assessment presented in the ES is robust. The assessment considers the direct and indirect effects of the proposed wind farm on heritage assets, including an assessment on the setting of designated sites within the vicinity of the wind farm. The methodology, results and recommendations are considered acceptable.
- 173 They agree with the mitigation measures within the ES and recommend conditional control to secure a programme of archaeological works to ensure the development complies with LDP Policy HE1B Non-Designated Archaeology.

## **ElectricityTransmission/Grid Connection**

- 174 The ES advises that the wind farm will connect into the existing grid infrastructure at Coupar Angus. From the windfarm boundary to the grid connection point cables will be mounted on overhead poles. An indicative grid connection route is detailed at Figure 2.15 of the ES, a caveat confirms that other schemes may be constructed earlier and make use of the grid capacity at Coupar Angus, thus the connection point and route will ultimately be determined by the local Distribution Network Operator.

- 175 Policy ER1 requires the transmission system to be taken into account in the assessment however the cable route falls out with the application site and therefore this will need to be assessed either via another planning application or under the separate consenting process (i.e. The Electricity Act). I note from the ES that the indicative route has been chosen to avoid environmentally sensitive areas but when assessed against Policy ER2 there is a clear preference for underground alternatives to overhead route proposals.
- 176 Taking account of the above, if the application is granted, a negative suspensive condition should be attached so the grid connection point and method of connection can be assessed prior to the commencement of construction.

### **Aviation and Telecommunications**

- 177 The MOD has been consulted on this application and initially had an objection to some of the proposed turbines due to their positioning and blocking of signals. Following changes made to the proposal and submission of the SEI the MOD now has no objection subject to conditional control relating to aviation lighting being installed on the turbines and the exact 'as-built' position of the turbines being confirmed to them in writing. Consultation with NATS also confirms that they have no safeguarding objection to the proposal.
- 178 As with the MOD, the Joint Radio Company (JRC) initially objected to the proposal as some of the turbines could interfere with radio signals. The repositioning of certain turbines has alleviated this issue and the JRC has withdrawn its objection. It is also noted that no objection has been received from telecommunication operators.

### **Shadow Flicker**

- 179 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents.
- 180 There are relatively few properties within the 20 turbine height radius which is likely to be affected by shadow flicker. Of these, the applicant has identified 3 which assessed on a worst case basis could lead to unacceptable loss of amenity here. In order to ameliorate these affects the applicant has suggested that a Wind Farm Shadow Flicker Protocol be submitted prior to the construction of the first turbine and Environmental Health recommend that this be attached as a condition on any consent.

## Noise

- 181 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 182 Consultation with the Council's noise consultant Dick Bowdler confirms that changes in the SEI that are relevant to noise are that there will be a different candidate turbine (with a slightly lower sound power level) and the turbines have been moved. These changes are not considered significant as compared with the previous scheme.
- 183 Concern continues to be expressed by the Council's noise consultant regarding the potential impact on the property known as The Corb in particular, as the property appears to be in breach of noise guidance. The noise level at The Corb from cumulative turbines excluding Green Burn already exceeds all limits including the Financially Involved (FI) limit of 45dB. Any additional turbine noise from Green Burn still fails to meet noise guidance.
- 184 The cumulative noise level from the various wind turbine developments at the most affected properties are considered to be significant. Whilst it might in theory be possible to operate Green Burn without breaching the cumulative limits, nevertheless, the noise from Drumderg and Tullymurdoch alone will be on the limits at some properties in some conditions without the addition of Green Burn. To stay within the limits Green Burn would have to apply significant mitigation at various times under a range of common wind conditions. It is almost inevitable that the limits would be breached from time to time. Even if they are not, the effect of the mitigation would be to expose these properties to continuous turbine noise right on the limits in a wide range of wind speeds whatever the wind direction.
- 185 The applicant has confirmed that proposed noise limits would be met at almost all of the surrounding properties, and would be exceeded at only two properties and at these by relatively small margins. They state they have also previously demonstrated that, with a suitable and agreed specification for a curtailment regime, operational noise limits will be met. The SEI is clear (in Section 1.1) that the final choice of turbine for the Green Burn development has not yet been made. Once it has been, a specification of operational curtailment will be developed that demonstrates how the wind farm will be operated under specific wind conditions to ensure that it complies with consented cumulative noise limits. Should the application be approved this could be controlled by way of a suspensive condition.
- 186 Noise can theoretically be controlled to comply but it is considered that it could be difficult to achieve and may result in Green Burn Wind Farm having to operate in a reduced mode.



## **Transport Implications**

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

## **Landscape and Visual Impact**

- 190 TAYplan Policy 3 seeks amongst other things to safeguard landscapes and geodiversity, while TAYplan Policy 6 indicates that in determining proposals for energy development, consideration should be given to landscape sensitivity. Local Development Plan Policy ER1A (1) confirms the need to take account of landscape character with Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 191 There is also a requirement through LDP Policy ER1A to take account of visual integrity. Accordingly the potential visual impact in relation to residential properties, designated locations, roads, recreation and sporting activities has to be considered.

- 192 An independent landscape consultant (Bayou Bluenvironment Limited) was appointed by the Council to assess the Landscape and Visual Impact Assessment (LVIA) and Cumulative Landscape and Visual Impact Assessment (CLVIA) of the ES and SEI. Advice has been provided in terms of the LVIA methodology, the likely landscape and visual effects, including cumulative effects, of the proposed development. Site visits were undertaken by the landscape consultant in March and November 2016 to view the site and its surroundings from the local road network, lanes, tracks and public rights of way. Photomontage viewpoint locations and other key visual receptors were visited. On both occasions, the weather was changeable, being overcast some of the time but also bright with good visibility at other times.

## **The Council's Independent Landscape Consultant Advice**

### **Scoping and Consultation**

- 193 The scope and content of the ES was informed by responses to pre-application consultations with a range of statutory and non-statutory bodies including PKC and SNH, and community consultation. A scoping opinion was provided by Perth and Kinross Council in August 2014, on the proposed development which at that time was for a larger scheme comprising 14 turbines measuring up to 120m to blade tip and 70m to hub with a 100m rotor diameter.
- 194 PKC and SNH both advised that the wind farm should avoid visual confusion and focus on design compatibility with the existing Drumderg wind farm as well as other nearby consented wind farms. Concern was raised with regard to the horizontal spread of turbines when taking into consideration cumulative development in the area.
- 195 The scoping response recommends that agreement be sought over a range of methodologies including LVIA. Issues covered in consultation responses include agreement on 26 viewpoints (from an initial list of 18) including views along key routes based on a Zone of Theoretical Visibility (ZTV) within the full 35km radius study area. It was suggested that particular regard should be had to the impact on the Highland Boundary Fault (HBF) especially when viewed from the south. Reference was also made to the 2010 David Tyldsley and Associates (DTA) Report commissioned by PKC.
- 196 SNH specifically requested consideration of cumulative effects within an extended study area of 60km, suggesting that a scheme of that scale and size, in this location, is likely to have significant adverse cumulative landscape and visual impacts with the nearby consented wind farms (including Welton of Creuchies, East Gormack, Tullymurdoch, Hilton Hill and The Corb) and proposed wind farms (including Dulater Hill, Saddle Hill and Bamff – the latter two since refused). Because of its close proximity to the operational Drumderg Wind Farm, this should be included in the baseline assessment.

197 Both SNH and PKC recommended that the design aspiration should be to avoid visual confusion, given the proximity to Drumderg. It was suggested that the LVIA should focus on design compatibility with this existing scheme. It was suggested that the LVIA should take note of SNH's *Siting and Design Guidance* (Chapter 5 in particular). The following issues are key considerations within the SNH guidance:

- (where cumulative impacts are likely to occur within an area) ...design objectives should be established that can be consistently applied to all proposed developments. This should result in a similarity of design and windfarm image within an area that limits visual confusion, and also reinforce the perceived appropriateness of each development for its location;
- Where there is a contrast in pattern, scale and relationship to key characteristics this will be likely to create a confusing image questioning the relationship of the original development to its surroundings;
- A windfarm, if located close to another and of similar design may appear as an extension; however, if it appears at least slightly separate and of different design, it may conflict with the other development; and
- Individual windfarms should generally appear visually separated from one another in a landscape, unless specifically designed to create the appearance of a single combined scheme.

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

### **Site Design Process**

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

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

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

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

| Wind Farm                       | Turbine No's | Hub Height (meters) | Blade Length (meters) | Ht. to Blade Tip (meters) | Rotor Diam. (meters) | Max. Ht. Including Ground Level (meters) approx. |
|---------------------------------|--------------|---------------------|-----------------------|---------------------------|----------------------|--------------------------------------------------|
| <i>Green Burn (application)</i> | 11           | 80                  | 46.5                  | 126.5                     | 93                   | 493                                              |
| <b>Green Burn (amended)</b>     | 11           | 69                  | 46                    | 115                       | 92.5                 | 481                                              |
| <b>Drumderg</b>                 | 16           | 67                  | 40                    | 107                       | 80                   | 529                                              |
| <b>Tullymurdoch (modified)</b>  | 7            | 68.75               | 46                    | 114.75                    | 92                   | 440                                              |
| <b>Welton of Creuchies</b>      | 4            | 64                  | 35.5                  | 100                       | 71                   | 361                                              |

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

- 205 The LVIA refers to various strategic planning guidance documents on wind energy development of relevance to the Green Burn Wind Farm application. These include SNHs *Strategic Locational Guidance for Onshore Wind Farms – Natural Heritage Considerations* (2009), the *Tayside LCA* (1999), and the *PKC SPG for Wind Energy Proposals in Perth & Kinross*, May 2005.
- 206 With regard to the SNH Strategic Locational Guidance, this was replaced in June 2015 with new guidance on '*Spatial Planning for Onshore Wind Turbines – natural heritage considerations*' (to bring the guidance in line with Scottish Planning Policy [SPP] 2014).
- 207 The LVIA identifies the application site as lying within the *Highland Summits and Plateaux* landscape character type (LCT) and the *Forest of Alyth* landscape unit, as identified within the *Tayside LCA*, 1999. The *Tayside LCA* includes general guidance on wind energy development within the *Highland Summits and Plateaux* LCT but this was written at a time when turbines were much smaller structures and still relatively novel features in the landscape.
- 208 It should be noted that the DTA 2010 Study provides a more detailed classification of landscape character across Perth and Kinross, and its sensitivity and capacity to accommodate wind energy development than that provided within the 1999 *Tayside LCA*. As recognised within the DTA 2010 Study, the site lies within the smaller '*Transitional Moorland with Forest*' LCT and the '*Forest of Alyth*' landscape unit, on account of its transitional character between the '*Mountain Summits and Steep Ridges*' and the '*Highland Foothills*'. Immediately to the west lies the '*Lower Glen Shee*' landscape unit within the '*Lower Highland Glens*' landscape type. The DTA study considers the '*Forest of Alyth*' landscape unit within which Green Burn Wind Farm would lie as having medium landscape sensitivity to wind energy development with potential capacity for a medium wind farm of 13 to 20 turbines up to approximately 120m high.

### Study Area

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

## Methodology and Approach

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

## Visualisations

- 212 Of the 26 representative viewpoints included in the LVIA, 20 are within PKC, with 3 in the Cairngorms National Park to the north and 3 within Angus to the east and southeast. The 20 PKC viewpoints are considered adequate to gain an impression of how the Green Burn Wind Farm would be perceived in the Perth and Kinross landscape. However, additional viewpoint(s) within the ZTV to the north of Green Burn could have been provided to illustrate potential effects from parts of the CATERAN Trail (in particular as it runs close to the A93 within the Cairngorms National Park) and Scottish Hill Track Alyth to Glenshee. Following feedback provided by consultees and Bayou Bluenvironment Limited on the LVIA, the SEI includes an additional viewpoint VP27 CATERAN Trail north of Lair.
- 213 Visualisation methodology refers to the preparation of visualisations to meet PKC and SNH standards. This includes the most recent SNH document ‘*Visual Representation of Windfarms Good Practice Guidance*’, Version 2.1, December 2014. This updated version draws on the considerable experience gained in assessing and representing wind farms since Version 1 (2006) and now sets out procedures for the representation of visualisations at a scale that most closely meets the perception of the human eye as receptor at the viewpoint. The method requires photographs to be taken with a fixed 50mm focal length lens on a full frame sensor DSLR camera, which is then cropped and enlarged to provide a 75mm equivalent single frame printed image for viewing in the field at a comfortable arm’s length (around 500mm for most people). The previous standard practice required images to be presented at the equivalent 50mm focal length and viewed at a correct “viewing distance” but there are now concerns that illustrations prepared using the previous 2006 guidance would be likely to consistently under-represent perceived scale in relation to the human eye. In following the latest 2014 guidance visualisations have been produced that relatively accurately represent the likely view of the proposed development that would be experienced or observed from a view point. A Viewing Pack showing single frame photomontage images within a 270 horizontal field of view from 12 viewpoints is provided in accordance with the SNH December 2014 visualisation guidance.

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

#### Assessment of Landscape and Visual Effects

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

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



## Assessment of Cumulative Landscape and Visual Effects

- 225 An assessment of cumulative landscape effects and cumulative visual effects is essentially the same as for the assessment of site specific landscape and visual effects: the level of landscape and visual effect is determined by assessing the sensitivity of the landscape or visual receptor, and the magnitude of change. Slightly different criteria are adopted to ascribe cumulative magnitude of change. The assessment of cumulative visual effects involves reference to the cumulative visibility ZTV maps initially covering a 60km radius search area.
- 226 The detailed cumulative assessment includes all operational, consented and 'in planning' wind energy schemes within a 35km radius of Green Burn Wind Farm. The most relevant are considered to be those wind farms (as opposed to single wind turbines) within 5-6km of Green Burn, namely Drumderg (operational) and those consented at Welton of Creuchies and Tullymurdoch. Single turbine developments in the area have some impact but as the Reporter into the Tullymurdoch appeal stated, the key interactions in cumulative terms are between wind farms (as opposed to single wind turbines).

## Residential Visual Amenity Assessment

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

## **Landscape and Visual Baseline**

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

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

sensitivity that considers views from principal tourist and amenity routes, including the A93, and cumulative landscape and visual effects.

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

### **Landscape Assessment, including Cumulative Landscape Effect**

#### **Assessment of Green Burn Wind Farm**

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

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

### **Landscape Character including Cumulative Effects**

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

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

### **Visual Impact including Cumulative Effects**

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

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

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

### **Independent Landscape Consultant's Conclusion.**

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

### **Scottish Natural Heritage's Landscape Advice**

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



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

### **Cairngorms National Park Authority (CNPA)**

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

272 Taking account of the advice provided by SNH, CNPA and the Council's landscape consultant, I conclude that the proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types including Glen Shee in the Cairngorms National Park. Furthermore, the scheme will have unacceptable visual impacts on nearby residential, recreational and tourist receptors. Accordingly the proposal is considered contrary to Policy 3 and Policy 6 of TAYplan as well as Policy ER1A and Policy ER6 of the Perth and Kinross Local Development Plan 2014.

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

- 273 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 33MW. A wind farm's predicted 'capacity factor' is the percentage of its maximum output that is expected to be generated during its operational lifetime. A 100% capacity factor would mean that the wind turbines were generating their maximum output all the time. This would require constant high wind speeds all year round. In reality, the wind speed fluctuates but is sufficiently strong for wind turbines to generate electricity most of the time at, or below, their maximum possible output. The applicant has used a 28.9% capacity factor (based on 2014 Digest of UK Energy Statistics).
- 274 With regards to emissions the wind farm would avoid the emission of approximately 90,538 tonnes of CO<sub>2</sub> per year. Taking account of manufacture, construction and decommissioning of the windfarm the payback period has been calculated to be 11 months.
- 275 I acknowledge the scheme would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020 as well as contributing to the reduction of greenhouse gas emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050 targets as set out by the Scottish Government.
- 276 With regards to the Development Plan it would assist with one of the aims of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the region through a reduction in fossil fuels and LDP Policy ER1A (b) which seeks proposals to contribute to meet carbon reduction targets.
- 277 In terms of tourism impact much of the representations submitted (including John Muir Trust and SCOTWAYS) expressed concern about the impact the proposal will have on tourism including within the Cairngorms (Glen Shee ) and in particular the Catheran Trail. The applicant commissioned the Moffat Centre, an independent tourism research centre to produce a detailed report about wind farms and their impact on tourism. This report specifically relates to the impact of the Green Burn Wind Farm proposal and Perth and Kinross. The report provides comparative information on the economic and tourism performance of the study area and includes analysis of the impact of Green Burn wind farm on local tourism.

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

### **Outdoor Access**

- 280 Outdoor Access has now been given a new context in Scotland, since the Land Reform (Scotland) Act 2003. This establishes a duty on Local Authorities to uphold the outdoor access rights as specified in Section 13(1) of the Act. This duty on local authorities does not stop them from carrying on with the authority's other functions, an example of this is when they are considering planning applications for development on land over which access rights are exercisable, they will still be able to give consent for developments. Although, where appropriate, local authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access.
- 281 There are no Rights of Way within or through the site. The Cateuran Trail/core path is east, west and south of the site (2km at nearest). Scottish Rights of Way and Access Society (SCOTWAYS) object to the proposal as they are concerned about adverse impact on the enjoyment of outdoor activities in the area and they challenge the applicant's assumption on limited detrimental impact on tourism economy.
- 282 Standard consultation advice from Community Greenspace confirms that good practice would respect and manage public access rights during construction and this could be achieved through signage or providing appropriate contact details so advice on safe public access provision could be provided. Community Greenspace wish to see and approve the detailed scheme regarding facilitating public access both during and after construction which can be controlled by condition.

### **Economic benefits**

- 283 In terms of the wider economy, the economic benefits associated with wind farms are detailed in the applicant's submission. This highlights that jobs will be created during the construction, operation and decommissioning of the windfarm.
- 284 Whilst the turbines will not be manufactured in the United Kingdom, it is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local and regional economy as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc.

- 285 Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy. However, those same objectives indicate that achieving *sustainable economic growth* in Scotland requires a planning system that can deliver growth enhancing activities in a manner which protects and enhances the quality of the natural and built environment as an asset for that growth. Environmental protection can therefore be seen as a key measure of *sustainable economic growth*.
- 286 Taking this into account the green energy contribution, pollution reductions and economic benefits of the development have to be balanced against the potential significant adverse effects on local environmental quality.
- 287 Overall, based on the findings earlier in this assessment the adverse effects on environmental quality and landscape are of such weight to tip this balance sufficiently towards refusal of the application.

### **LEGAL AGREEMENTS**

- 288 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 289 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASON FOR RECOMMENDATION**

- 290 The assessment above has taken account of the development plan and where necessary provided weight to material considerations. This includes information provided in the ES, comments received from consultees including Cairngorms National Park Authority, relevant appeal decisions in western Perthshire along with representations made both in support and in opposition to the proposal.
- 291 There are no overriding problems in relation to bio-diversity interests for the area if conditioned. It is acknowledged that the proposal would make a contribution to the provision of energy from renewable resources, with a consequential reduction in CO2 emissions. An element of economic benefit during construction, operation and decommissioning would occur but these have to be offset against the presence of the windfarm.
- 292 However, despite a reduction in the number of objections from consultees such as the MOD and JRC plus a recognition that a reduction in turbine heights by 11.5 metres and re-positioning of four turbines is an improvement on the initial proposal, there are still considered to be significant and unacceptable adverse landscape and visual impacts from the scheme especially from within Cairngorms National Park and the special landscape quality of Glen Shee in particular, the A93 tourist road into and out of the Cairngorms and from the Cateran Trail.

- 293 It is also considered that for many nearby residential properties potential significant effects would result from views of Green Burn where there are currently no views or isolated or reduced views of only some of the Drumderg turbines. There are a number of properties within 2km from where most or all of the Green Burn turbines would be seen and where Green Burn and Drumderg would occupy a significant part of the field of view. The turbines are likely to generally constitute an oppressive presence and affect the enjoyment of residential properties including gardens.
- 294 In relation to noise there still appears to be too much uncertainty as to the potential impact on surrounding properties even if they are financially involved or not. In theory it is agreed that it may be possible to mitigate but in reality may be difficult to achieve. However because in theory noise mitigation is achievable, noise is not considered to be a reason for a recommendation of refusal.
- 295 To conclude, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the development plan unless other material considerations indicate otherwise. In respect of the above the proposal is considered to be contrary to the overriding thrust of the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 296 While there is considerable support in the Scottish Planning Policy for this form of development this support is not unconditional. Paragraph 187 makes it clear that environmental and cumulative impacts must be addressed. Taking account of the other applicable material considerations I find none of significant weight that would lead to a different conclusion. Accordingly the application is recommended for refusal.

## **RECOMMENDATION**

### **A REFUSE THE APPLICATION FOR THE FOLLOWING REASONS:**

- 1 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, having regard to landscape character and setting within the immediate landscape and wider landscape character types. Accordingly the proposal is contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
- 2 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors. Accordingly the proposal is contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
- 3 The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Eastern Perthshire, contrary to policy PM1A of the Perth and Kinross Development Local Development Plan 2014.

**B JUSTIFICATION**

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

**C PROCEDURAL NOTES**

None.

**D INFORMATIVES**

None.

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

Contact Officer: Steve Callan – Ext 75337

Date: 28 January 2017

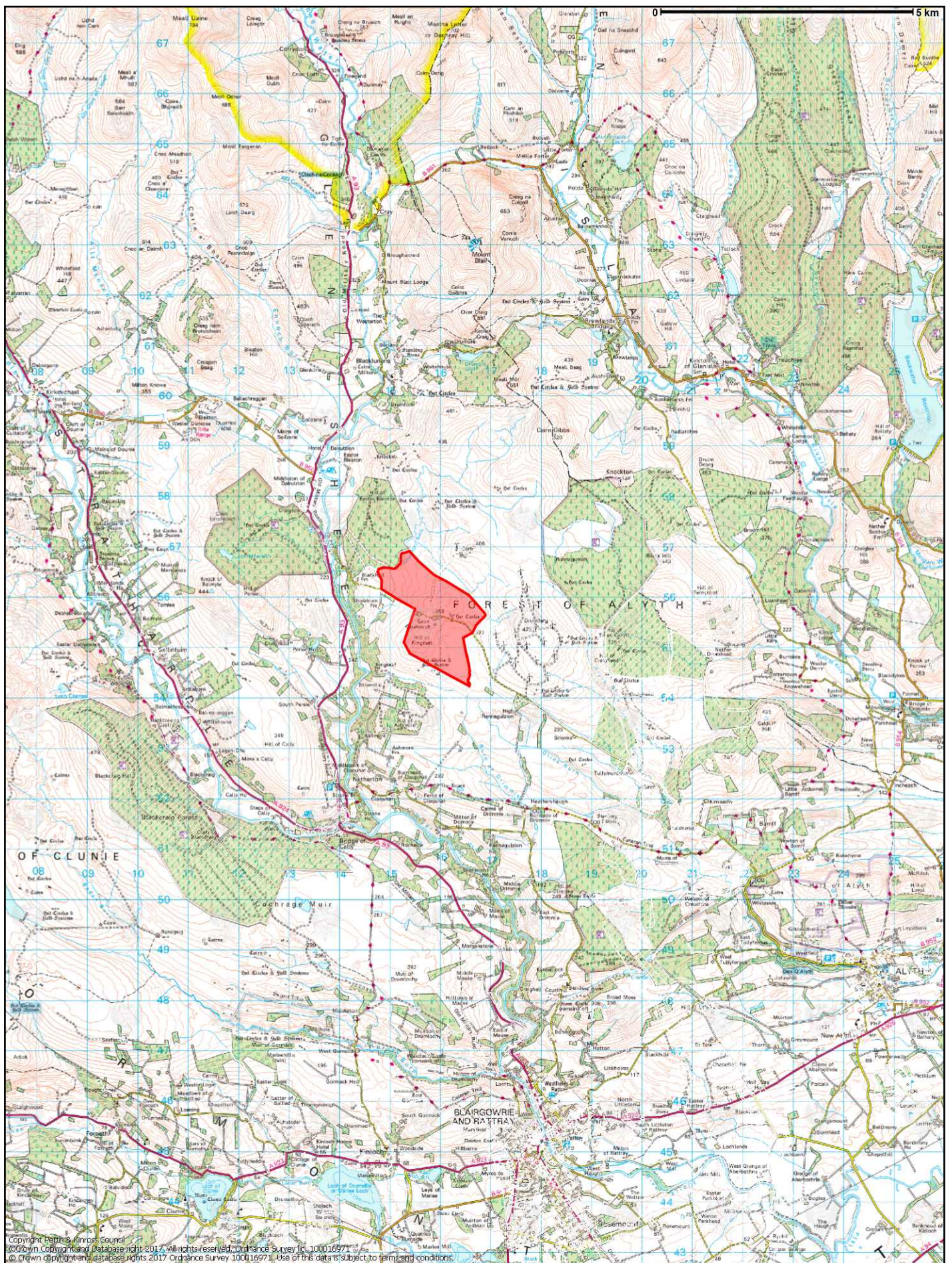
**NICK BRIAN  
INTERIM HEAD OF PLANNING**

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**Development Management Committee**



Scale 1:100000

**15/001691/FLM**

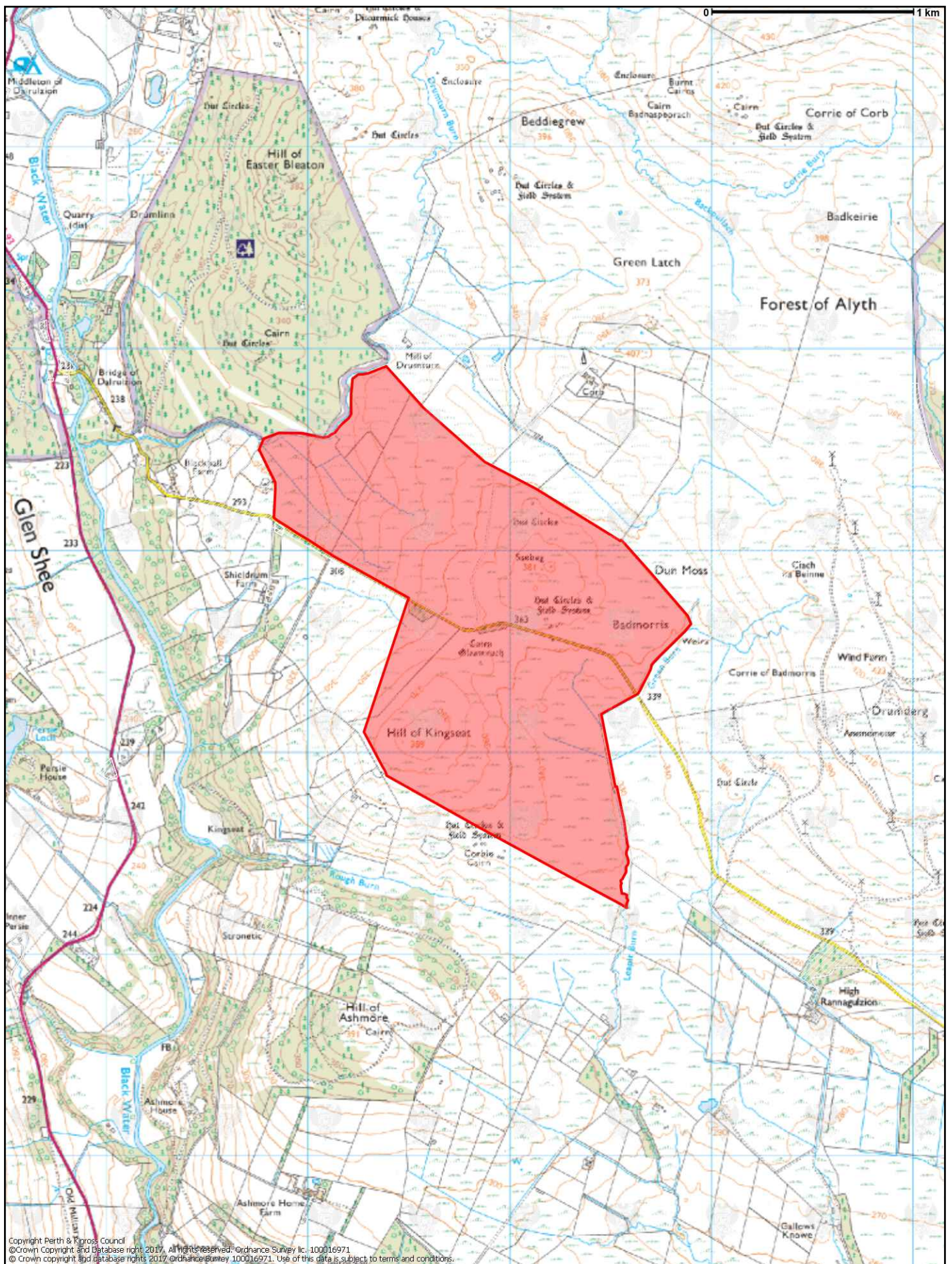
**Erection of 11 wind turbines, control building and ancillary works at Green Burn Wind Farm, Land West of Drumderg, Bridge of Cally**











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**Development Management Committee**



Scale 1:25000

**15/001691/FLM**

**Erection of 11 wind turbines, control building and ancillary works at Green Burn Wind Farm, Land West of Drumderg, Bridge of Cally**





Perth and Kinross Council  
Development Management Committee – 15 March 2017

Report of Handling by Interim Head of Planning

Erection of 20 dwellings and 4 flats (approval of matters specified in conditions 16/00478/IPM - Phase 1) at Land 25 Metres South West of 8 The Beeches, Aberfeldy, Perthshire.

Ref. No: 16/01761/AMM  
Ward No: N4 Highland

**Summary**

This report recommends approval of the first phase of a residential development of 24 affordable dwellings including open space, landscaping, access roads, footpaths, drainage works and ancillary facilities at land 25 Metres South West of 8 The Beeches Aberfeldy, Perthshire.

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

**BACKGROUND**

- 1 The site is an area of agricultural land located at the western edge of Aberfeldy and forms the south eastern corner of part of a larger 8.7 hectare site allocated in the Perth and Kinross Local Development Plan (LDP) for residential use (H37) and benefits from an In Principle planning permission (16/00478/IPM) since July 2016 for residential development.
- 2 The entire LDP site lies on the southern slope of the Strathtay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin. The application site forms the south eastern corner of the LDP site and is immediately adjacent to the existing Hillcrest Housing Association on Duntaylor Avenue.
- 3 The western and southern boundaries of the application site are contained by agricultural land. Immediately east of the site is the affordable housing residential development and there is an area of open field at the south-east boundary that has planning permission for residential use.
- 4 A farm access road dissects the LDP site from the north-east corner traversing the site south-west to access Duntuim Farm. An additional supplementary farm access road and junction has been constructed to the west of the LDP site.



## **PROPOSAL**

- 5 This proposal is the first phase and involves the development of 24 affordable dwellings by Hillcrest Housing Association. The proposed housing units are made up as follows;
- 4 x 2 person apartments
  - 10 x 4 person semi-detached dwellings
  - 6 x 5 person semi-detached dwellings
  - 4 x 6 person semi-detached dwellings
- 6 The units are designed with horizontal weatherboard cladding and individual brick elements at the porches and entrance. The roofs are proposed to be plain concrete tiles which is the same as the existing dwellings on Duntaylor Avenue.
- 7 Condition 23 of the 16/00478/IPM stipulated that access for construction is not permitted to use Duntaylor Avenue. Duntaylor Avenue currently terminates at its western edge with a hammerhead junction and a fence – the applicant holds rights of reserved access at this point. A separate application (16/01592/FLL) has recently been approved for an access track for construction purposes, to access Phase 1. The intention of the condition is to prevent HGV vehicles from using the residential roads and presenting a hazard to the residents of Duntaylor Avenue. The long term intention is for this site to connect with Duntaylor Avenue, and there will be a time when access is required, in particular notably for connection of the services and the road.
- 8 At completion of this phase, access shall be via Duntaylor Avenue. The recently approved access track will be developed into an adoptable road for the future phases of the development site.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 9 Due to the scale of the 'In Principle' proposal the site was screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request (15/01735/SCRN) was submitted in October 2015 and found that an EIA was not required for the site.

## **PRE-APPLICATION PROCESS**

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As part of the 'In Principle' application consultation was undertaken with the local community and formed part of the application submission for the In Principle application. A further public consultation is not required for this phase.

## **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 12 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014**

- 13 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291

- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport

### **Designing Places 2001**

- 15 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

## **Designing Streets 2010**

- 16 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 17 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 18 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

- 19 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 2: Shaping Better Quality Places**

- 20 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 5: Housing**

- 21 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

## **Perth and Kinross Local Development Plan 2014**

- 22 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 23 The LDP sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 24 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for mixed use development. The principal relevant policies are in summary:

### **PM1A: Placemaking**

- 25 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM1B – Placemaking**

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

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy RD1 – Residential areas**

- 28 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy RD4 - Affordable Housing**

- 29 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

## **Policy HE2 - Listed Buildings**

- 30 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

## **Policy CF1B - Open Space Retention and Provision**

- 31 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

## **Policy CF2 - Public Access**

- 32 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

## **Policy CF3 - Social and Community Facilities**

- 33 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

## **Policy NE2B - Forestry, Woodland and Trees**

- 34 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

## **Policy NE3 - Biodiversity**

- 35 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

## **Policy NE4 - Green Infrastructure**

- 36 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.



### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 37 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

### **Policy EP2 - New Development and Flooding**

- 38 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP3A - Water, Environment and Drainage**

- 39 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

### **Policy EP3B - Water, Environment and Drainage**

- 40 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

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

### **Policy EP3D - Water, Environment and Drainage**

- 42 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP8 - Noise Pollution**

- 43 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **TA1B- Transport Standards**

- 44 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

## **OTHER POLICIES**

- 45 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Green Infrastructure Supplementary Guidance (Draft) July 2014
- 46 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

## **Perth & Kinross Corporate Plan 2013-2018**

- 47 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

## **PLANNING SITE HISTORY**

- 48 The following history is of particular importance.
- 14/01554/FLL Formation of an access road. Approved under delegated powers October 2014
  - 15/01735/SCRN Screening Request for EIA. No EIA required - Decision issued December 2015
  - 15/00022/PAN Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015.
  - 16/00478/IPM Residential development (in principal) approved by Development Management Committee 13th July 2016
  - 16/01592/FLL Formation of vehicle access road. Approved under delegated powers February 2017.

## **CONSULTATIONS**

### **EXTERNAL**

#### **49 Scottish Environmental Protection Agency (SEPA)**

Following submission of additional information related to drainage and SUDs ponds they have no objection to the proposal.

#### **Scottish Water**

50 No response received.

#### **Transport Scotland**

51 No objection.

#### **Historic Environment Scotland (HES)**

52 No objection.

#### **Royal Society of Protection of Birds (RSPB)**

53 RSPB Scotland supports the recommendation in the Ecological Survey that a breeding bird survey should be undertaken for Schedule 1 and vulnerable/sensitive species as the report survey was undertaken in September outside of the breeding season. RSPB Scotland does not hold many records for the site, but in the area covering the site, they hold records of yellowhammer, wood warbler and spotted flycatcher, all red-listed Birds of Conservation Concern. Moreover, it seems that much of the habitat on or nearby the site i.e. grazed marshy grassland, could be suitable for breeding waders, and this should be investigated.

54 In addition, the Ecological Survey also recommends that the riparian corridor, predominantly of alder trees, is maintained as the habitat is recognised under the UK Biodiversity Action Plan of ecological significance as an aid to migration by linking other woodland and related habitats in the wider landscape. RSPB Scotland also believes this should be ensured.

#### **Perth and Kinross Heritage Trust (PKHT)**

55 No objection.

#### **Aberfeldy Community Council**

56 Supports the proposal as housing need in the town is a significant issue.

## **INTERNAL**

### **Environmental Health**

- 57 No objection as it is not likely to generate excessive noise. However, the construction of the houses is anticipated to last up to 75 weeks and this can lead to considerable disruption at nearby residential receptors if not properly managed.
- 58 The application is supported by a Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. Conditional control of construction hours is recommended as per the CEMP.

### **Land Quality (Contaminated Land)**

- 59 As per the 16/00478/IPM application, an inspection of the proposed development site did not raise any real concerns, although there is a record of a small limekiln on the site and there is a disused tip approximately 200m south of the site. The applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore required.

### **Biodiversity Officer**

- 60 The proposed development is on existing fields used for grazing and likely to be low impact on biodiversity. The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings and the proposed SUDS pond should be designed to provide suitable habitats for amphibians. It is recommended that the SUDS pond is sown with a wet meadow mix.

### **Strategic Planning and Policy**

- 61 Supports the proposal as it is consistent with the LDP.

### **Developer Contributions/Affordable Housing**

- 62 This is the first phase of the wider development and will fully comprise of affordable units on site. No contribution towards primary education will be required because this phase is for affordable units.

### **Community Greenspace including Access**

- 63 No response received.

### **Transport Planning**

- 64 Following submission of further information, they have no objection to the proposal subject to certain conditions.

## Structures and Flooding

- 65 Following submission of further information they are satisfied with the proposals for surface water drainage for Phase 1 (discharge of Condition 2). The proposed SUDs Basin will also serve phase 2 and some of phase 3, although they will need to review the details again with the submission of future applications. The revised Flood Risk Assessment is also acceptable and allows for discharge of Condition 7.

## REPRESENTATIONS

- 66 The application attracted no letters of representation.

## ADDITIONAL STATEMENTS

67

|                                              |                                    |
|----------------------------------------------|------------------------------------|
| Environment Statement                        | IPM Screened – Not Required        |
| Screening Opinion                            | Submitted at IPM stage             |
| Environmental Impact Assessment              | Not Required                       |
| Appropriate Assessment                       | Not Required                       |
| Design Statement/Design and Access Statement | Submitted                          |
| Report on Impact or Potential Impact         | Flood Risk and Drainage Assessment |

## APPRAISAL

### Policy

- 68 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 69 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance.

### Principle

- 70 The principle of residential development for 100 dwellings has been established through its allocation in the LDP (H37) and the In Principle permission 16/00478/IPM granted for residential use in July 2016. Therefore the principle of residential development has been established.

## **Scale, Density and Design**

- 71 This portion of the site is to be developed for Hillcrest Housing Association and will form the affordable housing contribution for the wider site. The Proposed Masterplan Framework submitted with the in principle application showed the delivery of 80 dwellings of which 20 would be affordable. This Phase 1 is for a slightly higher number of affordable units which suggests that the total number of units on the site may end up higher. This, however, is consistent with the allocation for 100 units in the LDP and should meet the 25% requirement for affordable units to be delivered on site.
- 72 The proposed phase has utilised the existing landscape features to shape the layout and tie it to the surrounding area.
- 73 The proposed house designs in terms of exterior finishes reflect the surrounding area but are reasonably contemporary in appearance and avoid a pastiche approach. Designs have been site specific, and have considered the localised identity, outlook and solar orientation.

## **Transport and Access**

- 74 It is noted that construction traffic will not be using Duntaylor Avenue but via a new vehicular access road which will enter the wider site from the A827 Kenmore Road to the north and which has recently been approved under a separate application (16/01592/FLL). This access road will ultimately form the permanent main road within the site and connect with Duntaylor Avenue.
- 75 On completion, this phase will be accessible via Duntaylor Avenue. This is consistent with the LDP and In Principle permission requirement that access is primarily taken from Kenmore Road with a secondary access from Duntaylor Avenue.
- 76 The long term intention is for the IPM approved site to connect with Duntaylor Avenue, and there will be a time when access is required, in particular for connection of the services and the road.
- 77 However, given that the access for construction traffic is subject of a separate planning permission there is still a need to retain the condition from the 'In Principle' permission to prevent access for construction traffic (in particular HGV) from Duntaylor Avenue.
- 78 Following some initial concern by Transport Planning regarding compliance with Designing Streets and the National Roads Development Guide the applicant has submitted revised drawings that improves car and cycle parking provision within the site and will ensure that the site is accessible by sustainable transport modes.
- 79 The site offers an acceptable level of permeability and connectivity to the existing road network which is in line with the requirements of Designing Streets and the National Roads Development Guide.

### **Affordable Housing Provision**

- 80 The current proposal for Phase 1 of 24 affordable units should provide the entire affordable housing requirement for the site. It is acknowledged that the proposed house sizes/types and plot sizes will potentially differ from those on the remainder of the site but this phase will connect and integrate with the immediately adjacent Hillcrest Housing Association development on Duntaylor Avenue. This will ensure this phase integrates into the wider development in terms of the overall landscape framework.

### **Flood Risk and Drainage**

- 81 LDP Policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 82 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk Officer. Following an initial objection by SEPA the applicant submitted further details in relation to SUD's ponds. Neither SEPA nor Flood Risk now have a concern regarding drainage and flood risk.

### **Biodiversity**

- 83 A detailed Ecological Appraisal was submitted in support of the 'In Principle' proposal. The Council's Biodiversity Officer has commented that the proposed development is on existing fields currently used for grazing, as such there is likely to be low impact on biodiversity.
- 84 The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings and the proposed SUDS pond should be designed to provide suitable habitats for amphibians. Whilst no details of any landscape proposals have been provided for the SUDs pond, the Biodiversity Officer would expect the pond to be sown with a wet meadow mix, for example, the wet meadow mix from Scotia Seeds. This can be secured through conditional control and this would help achieve compliance with LDP Policy NE3 – Biodiversity.

### **Construction Environmental Management Plan (CEMP)**

- 85 A Construction Environmental Management Plan (CEMP) has been submitted with this phase and includes details of the construction. It provides details of how the site will be developed and what mitigation measures will be required by the developer to help reduce any nuisance for neighbouring uses from noise Dust etc. and methods to reduce the risk of pollution events.

- 86 The CEMP is a live flexible document that will require to be updated before and possibly during the construction process. This can be enforced by way of conditional control.

### **Developer Contributions**

- 87 The requirement for primary school financial contribution does not apply to affordable housing developments and is therefore not required for this phase of the development.

### **Cultural Heritage**

- 88 The site is in close proximity to Dun Aluinn which is a Category C listed building. The site is also in the vicinity of two Category A listed buildings, namely the Tay (General Wade's) Bridge and Castle Menzies.
- 89 Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have assessed the proposal due to the site's proximity to listed buildings and archaeology and there are no objections to the proposed residential development and no mitigation is requested.

### **Overlooking/Overshadowing**

- 90 The proposed scale, layout and orientation of the proposed dwellings are such that there would not be any significant overlooking or overshadowing of neighbouring properties or of each other.

### **Air Quality and Noise**

- 91 Because the proposed end use is housing it is not likely to generate excessive noise. However the construction of this phase alone is anticipated to last up to 75 weeks. This can lead to considerable disruption at adjacent residential receptors if not properly managed.
- 92 This application is supported by a Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. The CEMP specifies that times of construction work will be to Monday to Friday 07.00 to 17.00 and Saturday 08.00 to 13.00. This is within the Councils recommended construction times of Monday to Friday 07.00 to 19.00 and Saturday 08.00 to 13.00.

### **Socio-Economic Impact**

- 93 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. It is considered that the level of available expenditure that will be created by the development will have a positive impact on Aberfeldy and in particular businesses and shops in the town centre.



- 94 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements.

### **LEGAL AGREEMENTS**

- 95 None required for this phase of the development but will be required for later phases.

### **DIRECTION BY SCOTTISH MINISTERS**

- 96 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 97 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 98 The development of affordable dwellings by a housing association on land that is allocated in the LDP for residential use complies with the Development Plan. The proposed scale, density and design are considered appropriate to the surrounding area and on this basis the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

#### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 3 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 4 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 5 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 6 Prior to the commencement of works on any part of the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - e) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - f) details of information signs to inform other road users of construction traffic;
  - g) arrangements to ensure that access for emergency service vehicles are not impeded;
  - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
  - i) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 7 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 8 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 9 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 10 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 11 Prior to occupation of the development a minimum of 1 Swift bricks and 1 bat brick shall be incorporated into each building at eaves height.

Reason: In the interests of enhancing biodiversity.

- 12 Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of enhancing biodiversity.

- 13 Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

- 14 The dwellings shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy.

Reason: To comply with the Council's approved policy on Affordable Housing.

## **INFORMATIVES**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

- 12 Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

Date: 23 February 2017

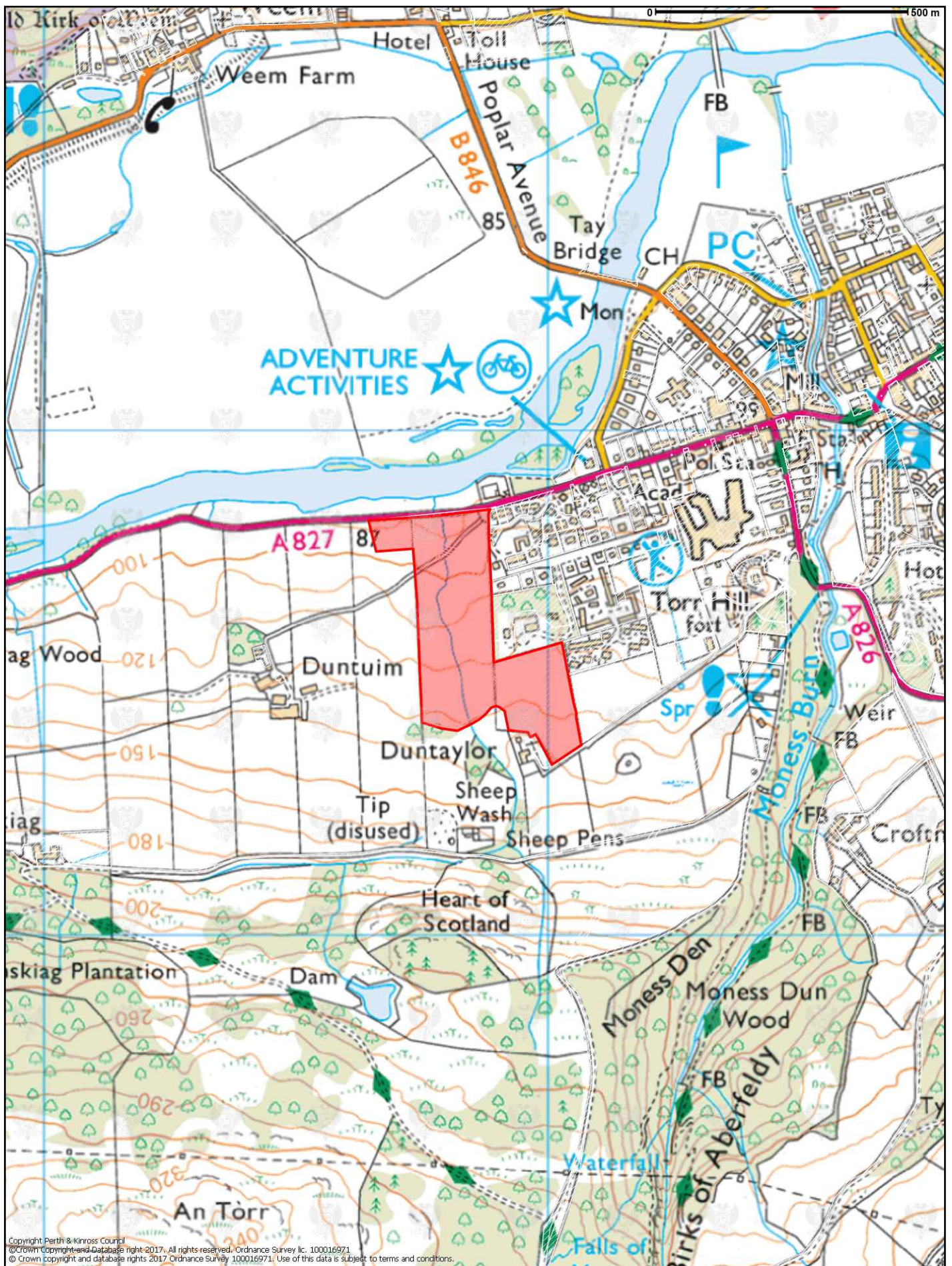
**Nick Brian**  
**Interim Head of Planning**

|                                                                                                                                                                                                                                                             |
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**Development Management  
Committee**



Scale 1:10000

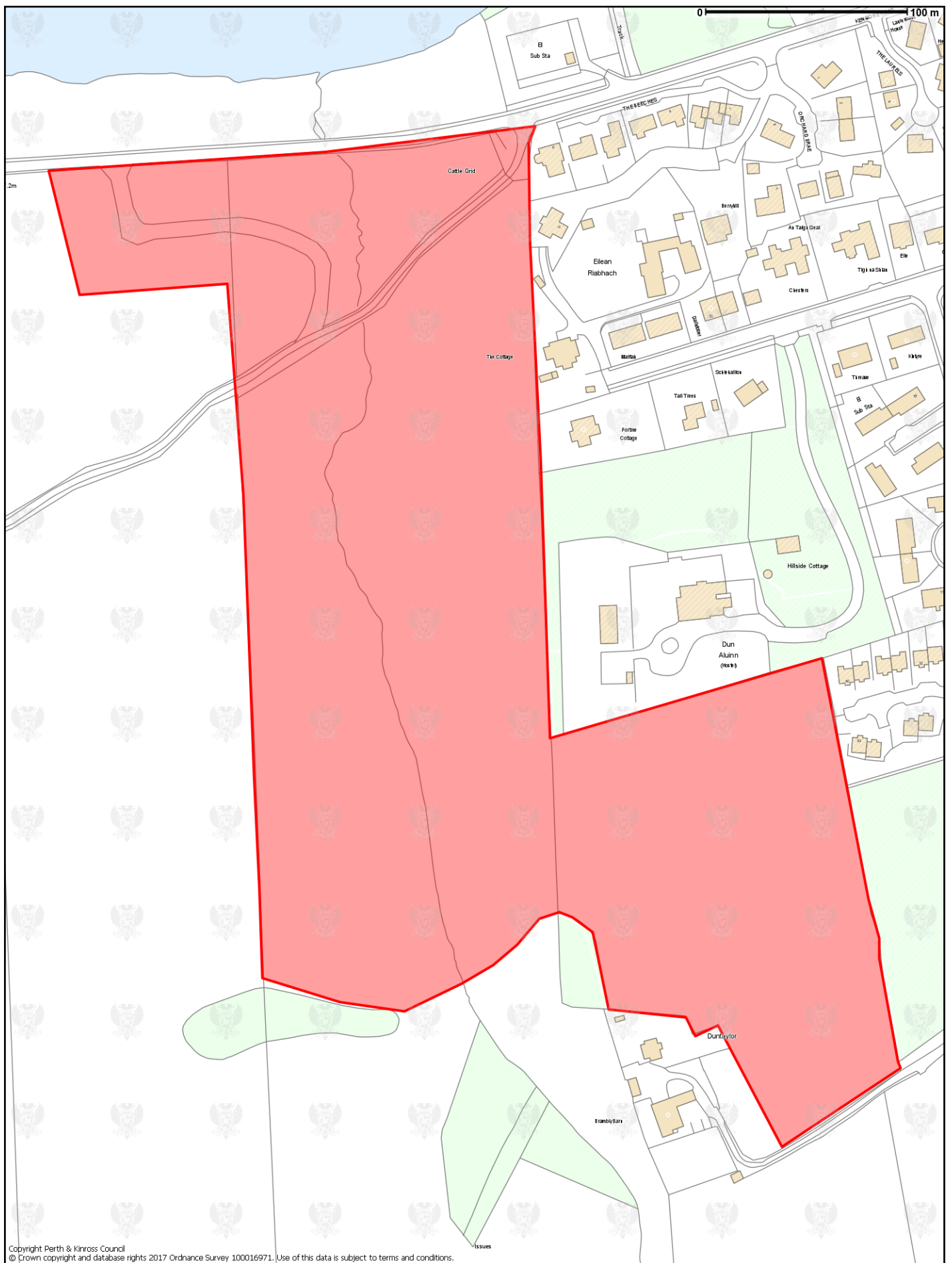
**16/01761/AMM**

Erection of 20no dwellinghouses and 4no flats (approval of matters specified in conditions 16/00478/IPM - Phase 1) at land SW of 8, The Beeches, Aberfeldy









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**Development Management  
Committee**



Scale 1:2500

**16/01761/AMM**

**Erection of 20no dwellinghouses and 4no flats (approval of matters specified in conditions 16/00478/IPM - Phase 1) at land SW of 8, The Beeches, Aberfeldy**





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

**Erection of a dwellinghouse with ancillary accommodation at Land 90 Metres South  
West Of 1 Mansfield Place, Isla Road, Perth, PH2 7GZ**

Ref. No: 16/02175/FLL  
Ward No: N12 - Perth City Centre

**Summary**

This report recommends approval of a detailed planning application for a change of house type on a consented residential site on Isla Road, Perth as the proposed house type is considered to comply with the relevant policies of the Development Plan, and despite the high level of local representation there are no material reasons which justify refusing the application.

**BACKGROUND AND DESCRIPTION**

- 1 This planning application seeks to obtain a detailed planning permission for a change of house type on a consented residential plot on the eastern bank of the River Tay, immediately west of the recently completed Connacher Court development on Isla Road, Perth – a flatted, McCarthy & Stone ‘retirement living’ development - which I understand is now largely occupied. The site is fairly regular in its shape and measures approx. 50m in its width (north to south), with a depth of approx. 48m (east to west). To the west of the site is the River Tay, whilst to the north is the curtilage of an existing residential dwelling. To the south is the undeveloped land which benefits from an extant planning permission for two detached dwellings.
- 2 Detailed planning consent for a mixed use development on a larger site which comprised 2 care homes, assisted living units with associated facilities and 3 detached dwellings was granted in 2011. The proposed dwellings were proposed along the western boundary on the site, and this current planning application relates to one of those approved dwellings. Subsequent planning applications have since been approved on the larger site which have changed the layout of other blocks, and changed one of the care homes to sheltered accommodation which has subsequently been built out by McCarthy & Stone. Detailed planning permission still exists for the three dwellings along the western edge of the site by virtue of the fact that the initial planning consent commenced by virtue of the early demolition works. Therefore, this current planning application is essentially for a change of house type only, as opposed to assessing the principle of a dwelling on the site.
- 3 The extant permission relates to a large dwelling that offered living consent over three storeys, with the upper level partly within the roofspace. The house type now proposed has a larger footprint and floor area, but will only offer living accommodation over two levels only with a slightly lower ridge line than that of the previously approved house type. An ancillary accommodation unit attached to the main living space is proposed at the northern end of the dwelling at first floor level, which accounts in part for the increased floor area. The location of the dwelling is to be similar to that of the extant consent insofar as it is proposed to be sited at the

eastern end of the plot, immediately west of the existing building, separated from that building by an internal access road which will also serve the remaining two plots. The external finishes of the dwelling will comprise natural slate roof and a smooth render, and will incorporate timber and reconstituted stone features.

- 4 Vehicular access into the site will be via an existing private access which has an existing junction arrangement with Isla Road, and which will also serve the remaining two residential plots to the south.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN). Of specific relevance to this planning application are:

### **Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 7 Of relevance to this application is Paragraphs 109 – 134, which relates to enabling the delivery of New Homes

## **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012**

- 9 Whilst there are no specific strategies that are directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*
- 10 **Policy 3 (Managing TAYplan's assets)** seeks to protect our cultural heritage from inappropriate new developments.

## **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 11 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance. Within the Local Development Plan, the site lies within the settlement boundary of Perth where the following policies are directly applicable:

### **Policy RD1 – Residential Areas**

- 12 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

### **Policy PM1A - Placemaking**

- 13 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM3 – Contributions**

- 14 Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy NE1 – Environmental and Conservation Policies**

- 15 Seeks to protect designated sites (such as Special Areas of Conservation) from inappropriate developments.

### **Policy NE2 – Listed Buildings**

- 16 Seeks to protect listed buildings and their settings against inappropriate new developments.

### **Policy NE3 – Conservation Areas**

- 17 Seeks to protect the historic character and appearance of Conservation Areas from inappropriate new developments.

### **Policy EP2 – New Development and Flooding**

- 18 There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

## OTHER COUNCIL POLICIES

### Developer Contributions and Affordable Housing (April 2016)

- 19 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

## SITE HISTORY

- 20 Detailed planning permission was granted in 2011 (11/01333/FLM) for the demolition of the former care home building and the erection of a new care facility comprising 2 Care Homes, assisted living units and communal facilities together with 3 mainstream houses with associated access roads, parking and landscaping on a larger site which included the area subject to this application. Since the commencement of that permission, an amendment was subsequently approved in 2013 which replaced one of the care homes with a 'U' shaped block of sheltered residential units and this has now been implemented. This block contains sheltered living accommodation - which is currently being marketed as 'retirement living' apartments. This block offers residents' living space over 3 full levels, with a small 4<sup>th</sup> level also utilised for plant, kitchen and changing facilities for staff. The other elements of the 2011 permission remained largely unchanged, including the three private dwellings along the river bank.
- 21 Earlier this year a detailed planning application (16/01111/FLL) for a change of house type on the site subject of this current planning application was submitted, and which included a larger footprint and with a projection closer to the existing building than what is currently proposed. That application was withdrawn by the applicant prior to determination after feedback from the Council which raised concerns over the proximity of the projecting element to the existing building. To this end, this current planning application is essentially a resubmission of that proposal.

## CONSULTATIONS

### External

- 22 **Scottish Water** where consulted but have not issued a response.
- 23 **SEPA** have commented on the planning application and have raised no objection to the proposal, providing that the previously agreed compensatory flood storage is implemented.

### Internal

- 24 **Transport Planning** have commented on the planning application and raised no objection to the proposal in terms of access or parking arrangements.
- 25 **Environmental Health** have commented on the planning application and raised no objection to the proposal in terms of the contaminated land issues, subject to a condition being attached to any permission.

## REPRESENTATIONS

26 Eighteen letters of representations have been received from local residents, all raising concerns over the development proposed. The main issues raised by the within the representations are:

- Impact on residential amenity;
- Impact on visual amenity
- Loss of sunlight/daylight
- Flooding Issues
- Impact on Trees
- A view that was originally approved, should be built and nothing else.

27 These issues are addressed in the Appraisal section of the appraisal.

## ADDITIONAL STATEMENTS

28

|                                                |                        |
|------------------------------------------------|------------------------|
| Environment Statement                          | Not required           |
| Screening Opinion                              | Not required           |
| Environmental Impact Assessment                | Not required           |
| Appropriate Assessment                         | Carried out by PKC     |
| Design Statement / Design and Access Statement | Not required           |
| Report on Impact or Potential Impact           | Tree report submitted. |

## APPRAISAL

29 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

30 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to Developer contributions and also the extant planning permission for a detached dwelling on the site.

## Policy

31 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Perth (outwith the Conservation Area) where Policy RD1 is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.

32 Policy PM1A is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing area.

- 33 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

### **Land Use**

- 34 In terms of land use issues, as planning consent for a detached dwelling already exists on the site I consider the principle of a dwelling on this site to be firmly established, especially as the site is currently identified within the LDP settlement boundary of Perth where infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. To this end, I ultimately consider the key consideration for this proposal to be whether or not the house type proposed is acceptable in this location in terms of its impact on the existing visual and residential amenity of the area.

### **Design and Layout**

- 35 The proposed design, and in particular the increased footprint has caused a degree of concern from a number of residents of the adjacent sheltered housing / 'retirement living' block. The extant consent approved a dwelling with an external footprint of approx. 185 sqm, and the proposed house type is approx. 275 sqm. This increased footprint, and the increase in floor space is a result of a longer length of dwelling and the addition of the ancillary unit. Whilst larger than what already benefits from planning permission, the physical size of the site is clearly capable of accommodating the larger footprint in terms of general built ratio standards and also amenity space standards. It is also my view that in this riverside location, the scale of house proposed would ordinarily, be expected to be present. In terms of its overall design, I consider the design to be acceptable and it would not introduce an incongruous element into the rear streetscene of Isla Road, when viewed from the North Inch. To this end, I have no objections to the proposal in terms of design or layout matters.

### **Impact on Existing residential amenity**

- 36 Within the letters of representation concerns have been raised regarding the impact that the proposal would have on the existing residential amenity which is enjoyed by residents of the McCarthy & Stone development – who are largely retirees. The concerns raised focus on three main issues which are
- a) loss of privacy/overlooking
  - b) impact on existing sun/daylight
  - c) impact on existing views

- 37 I shall address these issues in turn.

#### Loss of Privacy / Overlooking

- 38 In terms of potential overlooking and loss of privacy, there are a number of windows proposed on the east elevation facing towards the existing building. However, the separation distance between the existing building and the proposed new dwelling is significant, and offers a window to window distance of approx. 18m at its closest point, and for some areas more. A distance of 18m is the Council's normal minimum



standards for direct window to window interaction for living rooms to living rooms, and if this distance is achieved then overlooking and / or loss of privacy is unlikely to occur. To this end, and considering the distances involved, I consider the potential for overlooking or loss of privacy to occur to an unacceptable level, as a result of this development, to be unlikely. It is also the case that the position of the approved house type was similar to that which is now proposed.

#### Loss of Sunlight / Daylight

- 39 In terms of loss of sunlight and daylight, the loss of either could have an adverse impact on existing residential amenity, and I note that this has been raised within some of the letters of representations. The normal tests used by Local Authorities in establishing whether there is an issue in terms of loss of either sunlight or daylight are the 25 and 45 degree tests. The Building Research Establishment (BRE) considers these two tests to be helpful rules of thumb in determining whether or not any further tests or investigations are required.
- 40 The 25 degree test is used where the development proposed is directly opposite an affected window(s), so this test would be applicable to this case. To carry out the test, the centre of the lowest affected habitable room is used as a reference point and a line is drawn at 25 degrees towards the new development. If the development proposed falls beneath the 25 degree line, then there is unlikely to be any loss of sun or daylight caused by the development proposed. In this case the new dwelling falls beneath the 25 degree line. In terms of the other test, the 45 degree test, this is used principally to check extension that are perpendicular to a window, so in this case is not applicable against this proposal. Consequently, I do not consider there to be any issue with the potential loss of sun or daylight.

#### Loss of a view

- 41 Within some of the objections, the impact that this proposal would have on their existing views has been raised as a point of concern. It has been established in planning law that the loss of a (personal) view is not a valid material planning consideration in the consideration of a planning application.
- 42 It should however be noted that the 'view' out from the existing building was always going to be altered to some degree when any of the consented residential plots were eventually developed. I do accept that the footprint of the dwelling has increased from what was originally proposed, however I do not consider the location or scale of what is proposed to be unacceptable, and the applicant has reduced the projection of the proposed ancillary accommodation from their initial scheme to try and reduce any issues of possible visual oppression from the existing block.

#### **Proposed Residential Amenity**

- 43 In terms of being able to offer a suitable level of residential amenity for future occupiers of the dwelling, I also have no concerns. The existing plot is large, and whilst the footprint of the dwelling is increasing there is a sufficient amount of usable private amenity space available for future occupiers.

## **Visual Impact**

- 44 In terms of the impact on the visual amenity of the area, I have no concerns. The proposal is located outside the Conservation Area of Kinnoull, but it would be readily visible from the popular North Inch area. However the design of the proposed dwelling is acceptable and would not look out of character with the existing rear streetscene. It is also the case that the rear streetscene when viewed from the west, and from the North Inch is varying, with a range of different house types from different eras. The proposed dwelling will certainly be visible once erected, however I do not consider its visibility alone to be problematic and its placement in front of the larger flatted development will go some way to break up the large mass of the existing McCarthy and Stone building which does dominate existing views. I therefore have no objections to the proposal from a visual amenity point of view, subject to final agreement on proposed external finishes.

## **Impact on Conservation Area / Listed Buildings**

- 45 As stated previously the site lies just outwith the Conservation Area of Kinnoull. Whilst there are listed buildings present along Isla Road, the location and design of the dwelling is such that it will not affect the setting of these or the character or appearance of the Conservation Area. This view is shared by a colleague with Conservation expertise.

## **Contamination Land Issues**

- 46 The site has the potential to be affected by contaminated land, and therefore it is recommended that the Council's standard condition in relation to contaminated land is attached to any permission.

## **Impact on Wildlife**

- 47 There are no known protected species or local wildlife which are directly affected by this proposal. The applicant will however be made aware of their responsibilities in terms of local wildlife and protected species via appropriate informatives. The trees on the site, which could be habitats, will be protected during the course of construction and thereafter.

## **Road Related Issues**

- 48 The site is accessed by a surfaced private access track, which will also serve the remaining two plots. This arrangement is considered acceptable, and raises no issues with my Transport Planning colleagues. The long term maintenance of the access will be a matter for the individuals with an interest in the access to agree upon and deliver, but it would not be the intention of the Council to adopt the access, or secure long term maintenance arrangements for its upkeep. Waste and recycling facilities are to be agreed with the Council prior to the occupation of the dwelling.

## **Drainage**

- 49 As the site lies within an area covered by a public drainage system, the foul drainage will be connected to the public sewerage system. It would be a matter for Scottish Water to confirm (when an application is made for connections) whether or not capacity is available to accommodate the development. With regards to the disposal of surface water, this would be through an individual soakaway systems which would be advanced in accordance with the standards required by Building Standards and the Council's Flooding Team, and SEPA any formal outflow is proposed to the River Tay.

## **Flooding Issues**

- 50 The location of the site, and the other two consented dwellings lies within the 1:200 year flood envelope. As part of the planning application 11/01333/FLM it was proposed that compensatory flood storage was to be introduced largely within the areas identified as garden ground for the dwellings which would offered a 'betterment' in terms of storage capacity from the existing. As it remains the case that compensatory storage is required, a suitability worded condition will be attached to any permission to ensure precise details of the ground levels within the garden ground are submitted for the approval in writing by the Council as Planning Authority.

## **Impact on the River Tay**

- 51 The River Tay is environmentally sensitive and is a Special Area of Conservation as well as other designations. To ensure that the integrity of the River Tay is not adversely affected by any pollution incidents during the construction phase, a Construction and Environmental Management Plan (CEMP) will be a pre-commencement requirement of any permission to ensure that suitable pollution mitigation measures are in place.

## **Trees / Landscaping**

- 52 Two mature trees are located within the site, and adjacent to the location of the proposed dwelling. These trees are protected by an existing Tree Preservation Order (TPO). The applicant has proposed to undertake some remedial works to these trees, and thereafter proposes to retain them (as required by the TPO) and protect during the construction process. A tree survey has been submitted by a suitably qualified consultant that outlines the scope of the proposed works, and confirms that their retention is possible and I have no reason to offer a different view. Consequently, I have no concerns regarding the impact on the existing trees subject to clarification of the final scope of tree works and also ensuring that tree protection measures are in place for the entire construction phase.

## **Archaeology Issues**

- 53 There is no known scheduled or local archaeology within the area.

## **Construction Nuisance**

- 54 Construction noise and associated nuisance are not ordinarily considered to be material planning considerations, but controls over hours of operation and noise are enforced through Environmental Health legislation

## **Future subdivision of the dwelling**

- 55 Within the letters of representations, concerns have been raised that the ancillary accommodation annex may be used as a separate dwelling or a holiday home in the future. A condition will be attached to the permission which will limit the use of the annex to a family member only.

## **DEVELOPER CONTRIBUTIONS**

### **Affordable Housing**

- 56 As the development comprises less than 5 residential units, there is no requirement for any developer contributions (or onsite provision) in relation to affordable housing.

### **Transport Infrastructure**

- 57 In terms of Transport infrastructure contributions, as there is an extant permission on the site for the same number of residential units which pre-dated the Developer Contributions Policy, there is no requirement for any Developer Contribution in relation to Transport Contributions.

### **Primary Education**

- 58 In terms of Primary Education contributions, as the local primary school is operating at over 80% of its capacity there is a requirement of Developer Contributions of £6,490 as part of this development. The extant consent also required a developer contribution which was controlled via a legal agreement.

## **ECONOMIC IMPACT**

- 59 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area.

## **LEGAL AGREEMENTS**

- 60 In the event that the applicant wishes to defer the required developer contributions, then a new legal agreement or an amendment to the existing agreement will be required prior to the issuing of the formal decision notice.

## **DIRECTION BY SCOTTISH MINISTERS**

- 61 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 62 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. Whilst I appreciate the concerns raised within the representations, I do not consider the proposal to have an adverse impact on the character or amenity (visual or residential) of the existing area and ultimately consider the proposal to be acceptable, subject to conditions.

## **RECOMMENDATION**

### **A Approve the planning application subject to the required Developer Contributions being secured and the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commencement of any works on site, precise details of the proposed means of surface water disposal associated with all hard surfaces shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure that the site is adequately drained.

- 3 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation

that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason – In order to ensure that all land contamination is adequately dealt with.

- 4 Prior to the commencement of any works on site, all existing trees on site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

Reason – In order to protect the existing trees during the construction phase.

- 5 Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written approval of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development unless otherwise agreed in writing by the Council as Planning Authority.

Reason – In order to protect the existing trees during the construction phase.

- 6 Full details of any proposed tree works shall be submitted to and approved in writing by the Council as Planning Authority.

Reason – In order to afford some flexibility to the applicant in terms of tree works, but to retain control of what is actioned.

- 7 Prior to any engineering works adjacent to the river bank, repairs or otherwise, precise details of the nature of the works shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In the interest of proper site management, and to ensure that the River Tay is not adversely affected by inappropriate developments on its river bank.

- 8 Prior to the commencement of any works on site, precise details of the ground levels within the site shall be submitted, which must provide suitable compensatory flood storage, for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full as the development progresses and completed prior to the occupation of the dwelling.

Reason - In order to ensure that suitable compensatory flood storage is provided as part of the development.

- 9 The ancillary accommodation shall only be occupied by a person(s) directly connected to the main dwelling, and shall not be used as a separate unit either for holiday use or as a separate dwelling from that of main dwelling.

Reason – In order to control the use of the ancillary accommodation.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not:

- a) Make the required payment upfront within 14 days of the date of the committee decision, or
- b) Complete a new legal agreement for its delayed payment / or submit an application to amend the extant agreement within a 4 month period, then the application may be refused under delegated powers.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. *(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).*
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant will be required.
- 5 The existing trees are likely to contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 6 The applicant is advised to make contact with both SEPA and the Council's Flooding and Structures team in relation to the requirements of condition 8 relating to compensatory flood storage measures.

Background Papers: 18 letters of representation  
Contact Officer: Andy Baxter – Ext 5339  
Date: 23 February 2017

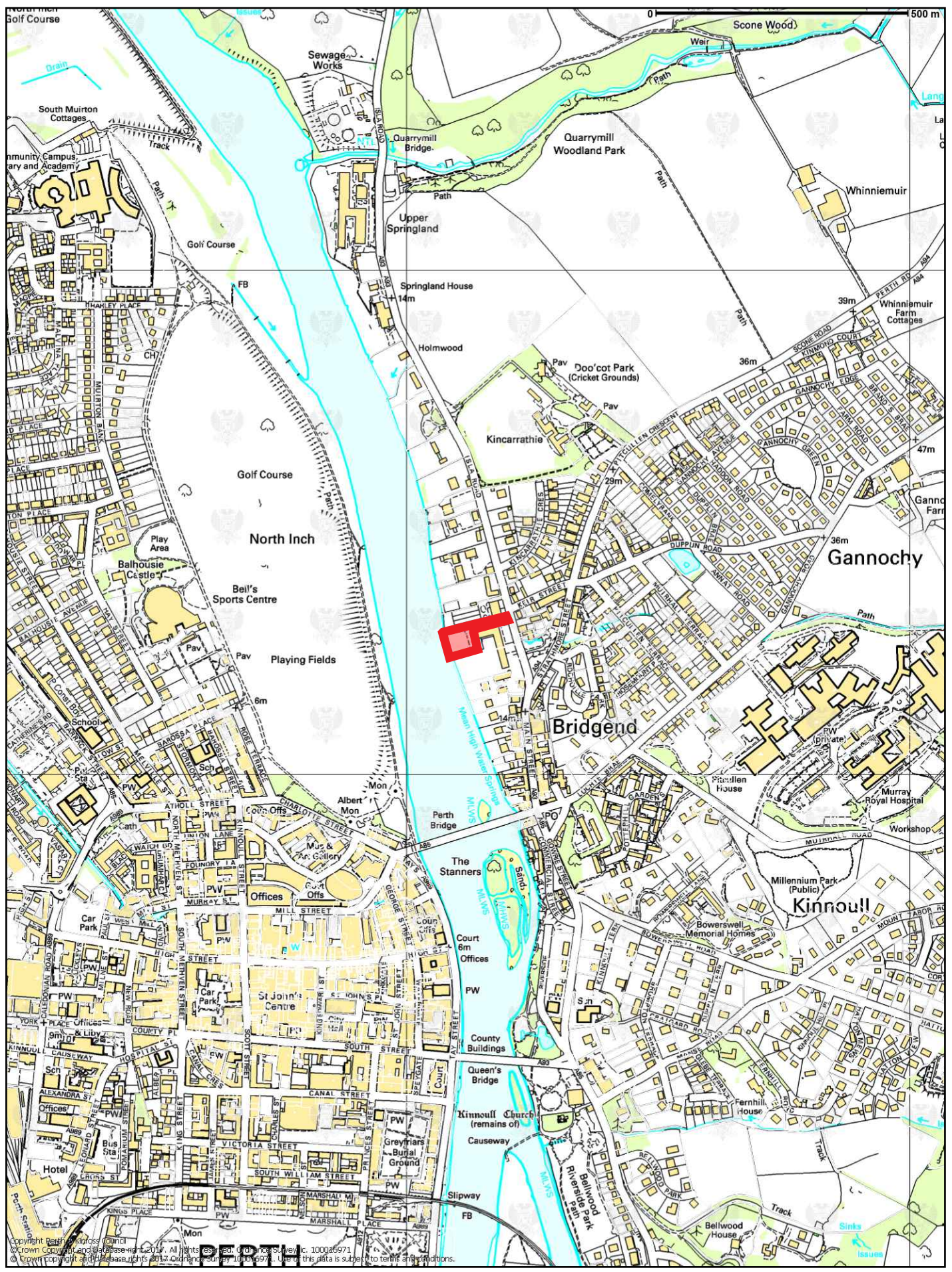
**Nick Brian**  
**Interim Head of Planning**

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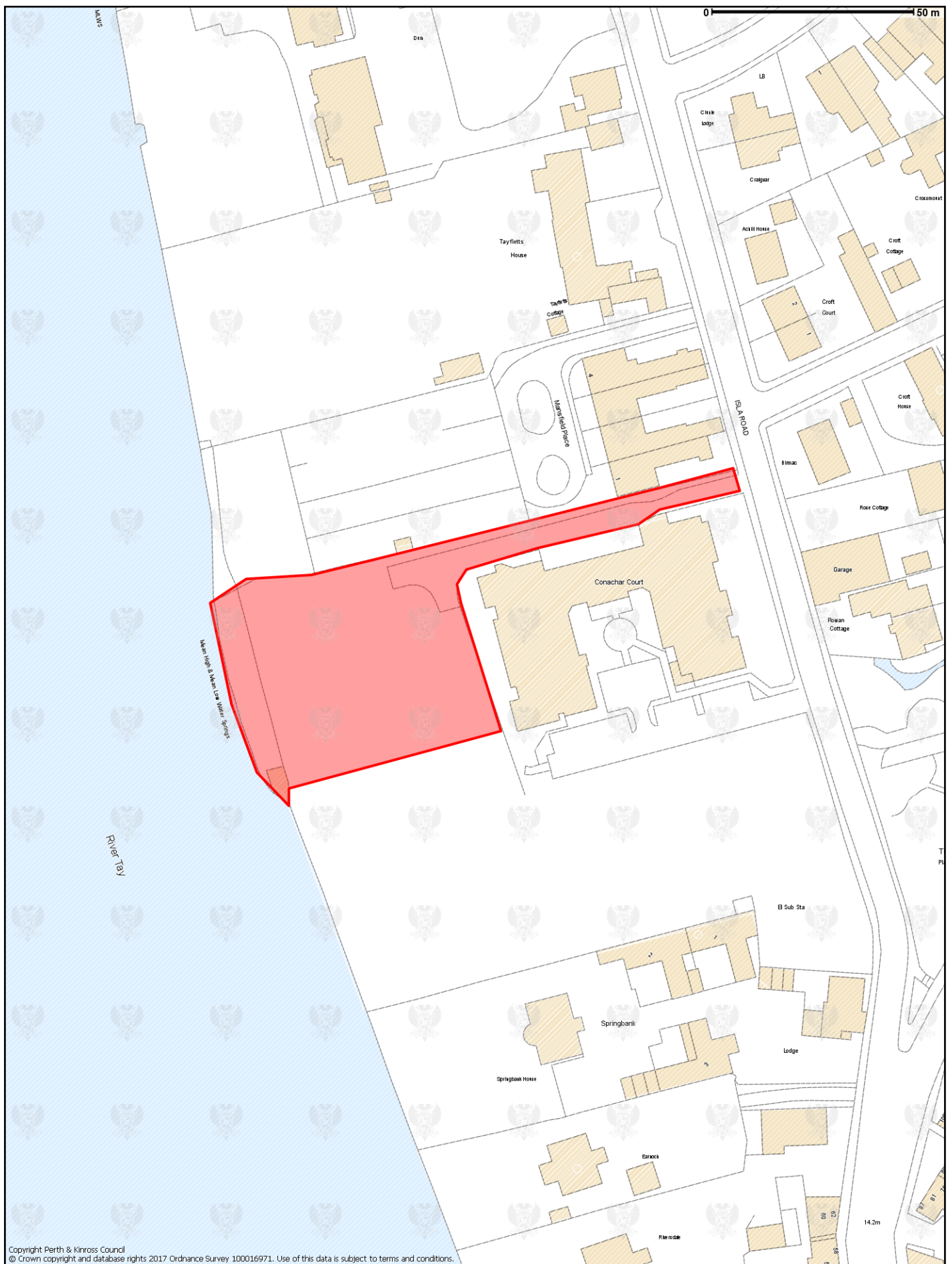




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**Development Management Committee**



**16/02175/FLL**

**Erection of a dwellinghouse with ancillary accommodation on land SW of 1 Mansfield Place, Isla Road, Perth**





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

**Erection of a football pavilion at Donaldson Memorial Park, Church Street,  
Milnathort**

Ref. No: 17/00077/FLL  
Ward No: 8 Kinross-shire

**Summary**

This report recommends approval of the application for the erection of a football pavilion as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The site is located within Donaldson Memorial Park in Milnathort, to the west of the existing football pitch. To the west, on the boundary with the park, is Milnathort Primary School. To the southeast is a play area and the nearest residential dwellings are located 30 metres to the southwest. The site is currently grassed forming part of the park.
- 2 The proposal is to erect a single storey building with two separate changing areas, small kitchen and a multipurpose room.
- 3 No vehicular access to the building is proposed and the site would be accessed on foot. The proposed building is centrally located within the park and on street parking is available for park users. An agreement to use the primary school car park is being discussed and would be acceptable; however it is not integral to the acceptability of the scheme.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

**Scottish Planning Policy 2014**

- 5 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans
  - The design of development, from initial concept through to delivery
  - The determination of planning applications and appeals.

6 Of relevance to this application are:

- Paragraphs 219 – 233 Maximising the benefits of Green Infrastructure

## **DEVELOPMENT PLAN**

7 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

### **TAYplan: Strategic Development Plan 2012-2032**

8 The principal relevant policy is in summary:

#### **Policy 2: Shaping better quality places**

9 This policy ensures the identification, retention and enhancement of green infrastructure and spaces whilst making the best use of their multiple roles.

### **Perth and Kinross Local Development Plan 2014**

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

11 The principal relevant policies are, in summary:

#### **Policy PM1A - Placemaking**

12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

13 All proposals should meet all eight of the placemaking criteria.

#### **Policy CF1 Open Space Retention and Provision**

14 This policy identifies areas of land which have a value to the community for either recreational or amenity purposes. Development proposals resulting in a loss of these areas will not be permitted except in circumstances where one or more of the criteria set out apply.

#### **Policy NE2B Forestry, Woodlands and Trees**

15 Where there are existing trees on a development site, any application should be accompanied by a tree survey. Where the loss of individual trees or woodland cover is unavoidable, mitigation measures should be provided.

## **OTHER POLICIES**

- 16 No other policies.

## **SITE HISTORY**

- 17 13/00814/FLL Erection of replacement football/community pavilion at Donaldson Memorial Park, Church Street, Milnathort – refused at Development Management Committee 13<sup>th</sup> November 2013.
- 18 16/01752/FLL Erection of a football pavilion at Donaldson Memorial Park, Church Street, Milnathort – application withdrawn.

## **CONSULTATIONS**

### **EXTERNAL**

- 19 None.

### **INTERNAL**

#### **Environmental Health**

- 20 No objection, subject to conditions recommended related to noise and odours.

#### **Transport Planning**

- 21 No objection, no conditions recommended.

#### **Community Greenspace**

- 22 No objection, subject to conditions regarding trees and submission of a Construction Method Statement (CMS).

#### **Milnathort Community Council**

- 23 Object to the proposal on the basis that it's an inappropriate land use, loss of open space and would have adverse effect on visual amenity.

## **REPRESENTATIONS**

- 24 A total of 21 letters of representation including the community council consisting of 11 objections and 10 letters of support were received and raised the following relevant issues: -

### **Objections**

- Facility not needed
- Inclusion of multipurpose room and kitchen unnecessary
- No parking provided and alternative parking at Primary School not agreed

- Traffic congestion
- Building too big
- Increase in anti-social behaviour
- Construction implications
- Access by emergency services
- Littering
- Fund for demolition and reinstatement of ground should the club fold
- Reduce opportunities for others to use park
- Incorrect name of park
- Issues regarding the lease

## Support

- Encouraging exercise
- Health benefits
- Appropriate land use
- Increased use of park

- 25 These issues are all addressed in the Appraisal section of this report apart from the following issues which are not material planning considerations.
- 26 The name of the park has been disputed however the planning permission runs with the redline site area not an address. Issues have also been raised with the legalities of the lease which is not a material planning consideration.

## ADDITIONAL STATEMENTS

27

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not required |
| Screening Opinion                              | Not required |
| Environmental Impact Assessment                | Not required |
| Appropriate Assessment                         | Not required |
| Design Statement / Design and Access Statement | Submitted    |
| Report on Impact or Potential Impact           | Submitted    |

## APPRAISAL

- 28 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Council's Local Development Plan (LDP) 2014 and TAYplan are outlined in the policy section above.



## **Policy**

- 29 The site is located within the settlement boundary of Milnathort within an area zoned under Policy CF1 Open Space Retention and Provision. These areas of land have value to the community for either recreational or amenity purposes. Development proposals resulting in a loss of these areas will not be permitted, except in circumstances where one or more of the criteria outlined apply. The criteria applicable to this is (a) which states that where the site is principally used as a recreation resource, the proposed development should be ancillary to the principle use of the site as a recreational resource.
- 30 The building proposed is to be used as a football pavilion which is ancillary to the existing uses within the park. The proposal in terms of the use would be acceptable in policy terms.

## **Use**

- 31 The pavilion will provide home and away changing facilities and a multipurpose room, which includes a kitchen with servery. The agent has stated that the multipurpose room will help bridge a gap in the football team's training regime by creating an area in which the strength and conditioning element can be introduced. The multipurpose room will also act as a meeting point for parents where they can watch their children train and play no matter the weather.
- 32 The footprint of the building is small in comparison to the overall area of the park and therefore there is no significant loss of open space. As a consequence of the proposal the intention is that the football pitch will be used more regularly.
- 33 Concerns have been raised regarding the implications should the football club associated with the development cease operating and that a fund should be in place for demolition of the building and reinstatement of the site. This would not be reasonable for this scale of development and should the current users no longer require the building other uses could be accommodated related to the wider recreational uses of the park.

## **Design and Layout**

- 34 The pavilion is proposed centrally within the park at the west end of the football pitch. A path is proposed to link to the existing paths within the park.
- 35 The building proposed is single storey with a flat roof. The building is 22.5 metres by 9.2 metres giving an overall area of 207 sq metres. The design is simple with large window openings to provide interest on the long elevations. Two different material finishes for the external walls have been indicated on the plans. However the exact details on the finish materials have not been provided and this will need to be conditioned.
- 36 The building will incorporate two sets of changing rooms, multipurpose room, kitchen, store and toilets. Additional externally accessed storage rooms are proposed on the north elevation.

- 37 The building has been set back 5 metres from the pitch and the agent has confirmed that the design of the elevation facing the pitch has been fully considered in relation to ball activity at this end of the pitch.

### **Residential Amenity**

- 38 A previous planning application 13/00814/FLL for the erection of a replacement football/community pavilion was refused as it was considered that there would be a significant loss of amenity by virtue of the close proximity of the proposal to residential properties. The relocation of the building to a more central location within the park seeks to address these concerns.
- 39 The closest residential property is 40 metres from the proposed pavilion (building to building). The site is located within the park which is already used for sports activities and the erection of the pavilion is intended to be ancillary to this use. Environmental Health has no powers to deal with general noise caused by people attending or participating in sporting events. However any potential impact on residential amenity could be mitigated by the addition of conditions related to noise and odour.

### **Trees**

- 40 The pavilion has been located 9 metres from the existing tree belt located to the west. A tree survey has been included to support the location of the pavilion.
- 41 The woodland-belt is dominated by Common Ash tree with the belt considered as category B “moderate desirability for retention”.
- 42 The tree survey states that it should be relatively straightforward to protect this woodland-belt during construction. A Heras fence should be erected (at least) 4 metres to the east of the belt and 4 metres to the south of the woodland block to the north of the site, prior to construction work commencing. This should provide suitable protection for the 27 trees and the other trees further to the north.
- 43 The tree survey also concludes that the proposed pavilion is compatible with the retention of the existing trees. The tree survey includes recommendations for the construction period and a further review period thereafter. This will be added as a planning condition.

### **Littering/Public Nuisance/Security**

- 44 Litter, anti-social behaviour and security have been raised in letters of representation. There is no certainty that the proposed use would give rise to such problems or alter the status quo significantly. However, should this occur, other appropriate authorities such as the police have separate statutory duties to investigate any such problems and to take appropriate action to control these issues where they are found to exist.

## **Roads and Access**

- 45 The site does not have vehicular access to it. However, a footpath is proposed to link to the existing paths which run through the park. The construction period will involve the transportation of building materials and machinery into the park. It is considered that this could be adequately managed to minimise disturbance to park user and a condition will be added to ensure a Construction Method Statement is submitted and agreed.
- 46 There is an existing vehicular access to the park from Church Street which leads to a small hard standing area. It has been suggested that a gate be installed to restrict vehicular access. The access point is outwith the red line site boundary for this application and no vehicular access is proposed for this development. The Planning Authority could therefore not require a gate to be installed.
- 47 The agent has indicated that discussions are underway with Milnathort Primary School to use the school carpark. These discussions are not integral to the acceptability of this proposal and should this arrangement not be agreed ample on street parking is available on the public roads surrounding the park.
- 48 Access for emergency vehicles has been noted as a concern. Although no vehicular access is permitted within the park, access, if required in an emergency can be gained via both Church Street and South Street.

## **Flooding and Drainage**

- 49 The building is to be connected to the public drainage and water supply network.
- 50 There are wider flood issues within Milnathort however a search of the flood risk maps show that there is no flood risk associated with the application site.

## **Developer Contributions**

- 51 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Development**

- 52 The economic benefits which it is considered would arise as a result of this proposal include added value to the local economy in terms of employment through the construction and in providing a community facility in the local area.

## **LEGAL AGREEMENTS**

- 53 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 54 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 55 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the commencement of any works on site, all trees on site and those which have Root Protection Areas which fall within the site shall be retained and protected. The measures outlined within the submitted Tree Report (approved document 17/00077/10) shall be implemented as part of the development programme. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 3 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted and agreed in writing with the Council as Planning Authority. The CMS shall include details on the access route for construction, transportation of building materials and machinery into the park, construction compounds and reinstatement of any damage. The CMS as agreed shall be implemented and maintained throughout the development programme.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 4 The sound insulation and sound transmission properties of the structure and finishes shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the Local Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 5 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

- 6 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In order to safeguard the residential amenity of the area.

- 7 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the residential amenity of the area.

- 8 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In order to safeguard the residential amenity of the area.

- 9 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Background Papers: 19 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 23 February 2017

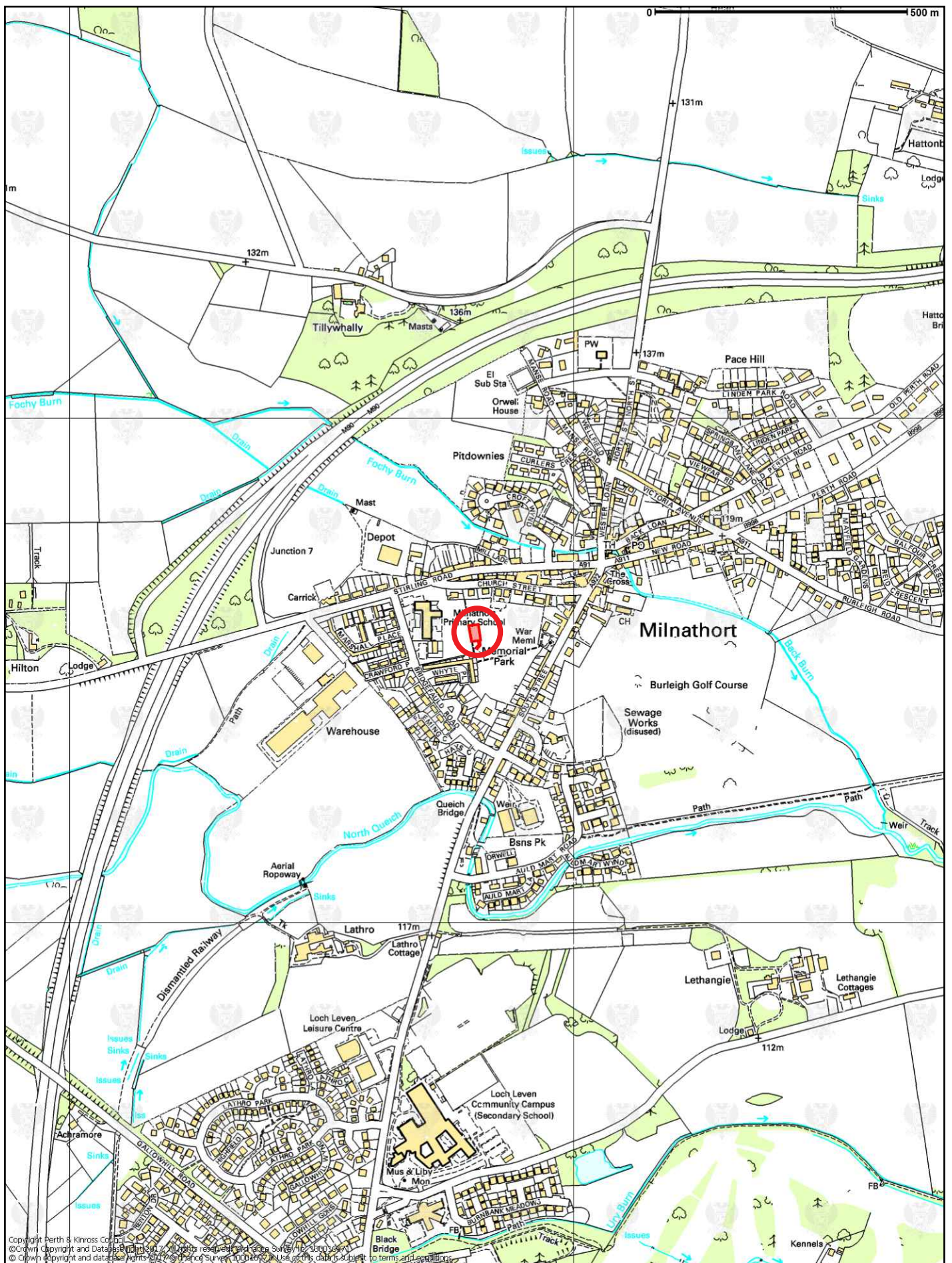
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**Interim Head of Planning**

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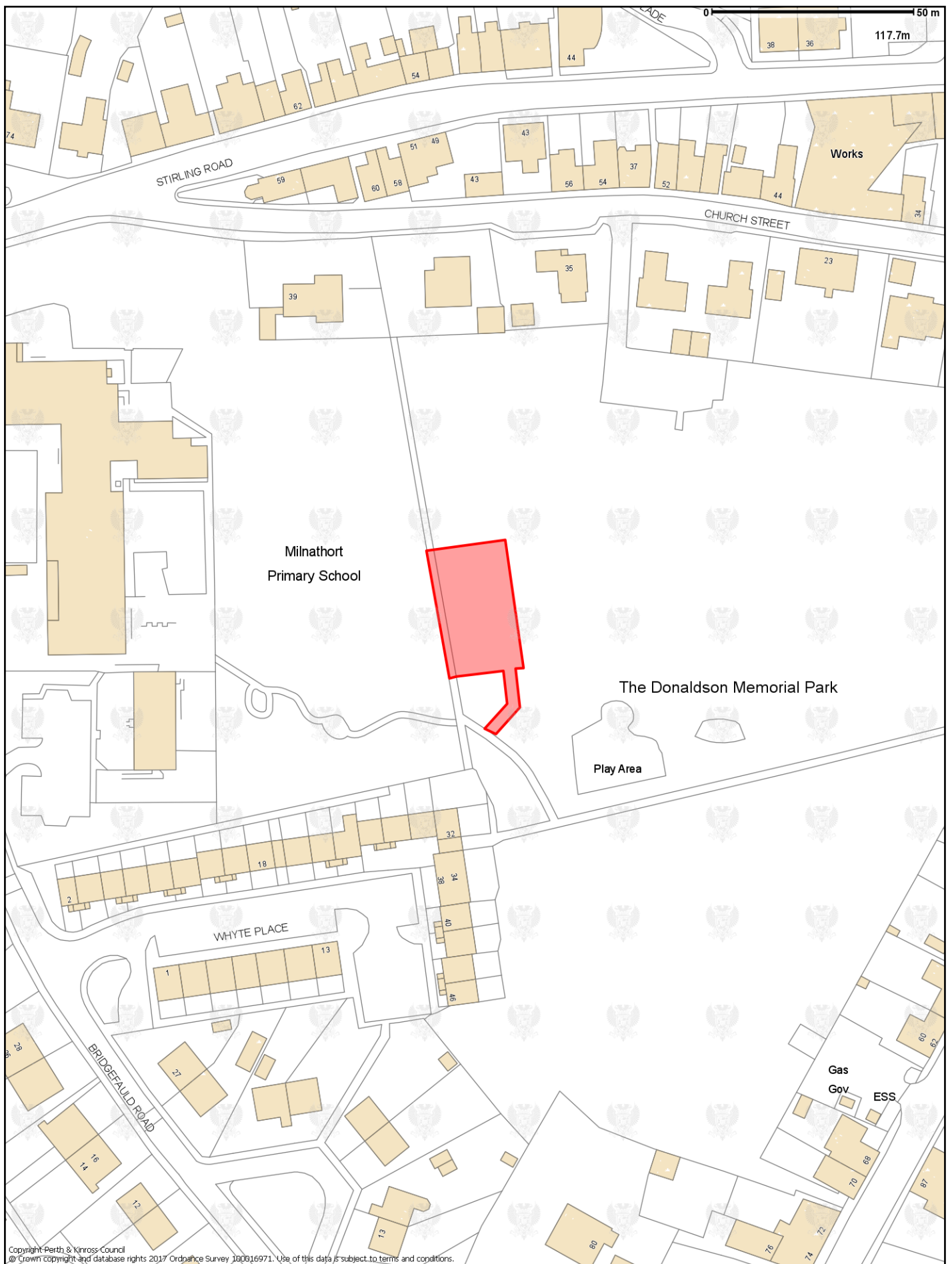




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**Development Management Committee**



**17/00077/FLL**

**Erection of a football pavilion at Donaldson Memorial Park, Church Street, Milnathort**





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

Mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure at Easterton Farm, near Gleneagles, Auchterarder, Perthshire

Ref. No: 17/00001/PAN  
Ward No: N7 Strathallan

**Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure at Easterton Farm, near Gleneagles, Auchterarder Perthshire. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

**BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 26 January 2016. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for a mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure at Easterton Farm, near Gleneagles, Auchterarder Perthshire. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site extends to some 105 hectares approximately of undulating agricultural grassland located on the C467 road between Auchterarder and Braco. It is 2.4km north of Blackford and the A9 Trunk Road and 3.3 km west of Gleneagles Hotel and 6.6km from Auchterarder. The site can be accessed from the A9 and the A roads that serve Barco, Crieff and Auchterarder. The site currently contains a farmhouse and numerous agricultural buildings, and there are areas of woodland including ancient woodland along some of the perimeters of the site.
- 3 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 and is outwith any settlement boundary.

- 4 This proposal of application notice (PAN) seeks to formally establish a major tourism related development comprising holiday accommodation (lodges and tepees), spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure. The exact range of uses, scale and design of the development will be arrived during pre-application discussions.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request is required to be submitted by the applicant.

## **PRE-APPLICATION PROCESS**

- 6 The Proposal of Application Notice (reference 17/00001/PAN) outlined a public exhibition will be held at Gleneagles Hotel on 22 March 2017. The Ward Councillors, Braco and Greenloaning Community Council; Blackford Community Council; Auchterarder and District Community Council; Muthill and Tullibardine Community Council have been notified. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 8 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014**

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Sustainability : paragraphs 24 - 35
  - Placemaking : paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74 – 91
  - Supporting Business and Employment: paragraphs 92 – 108

- Enabling Delivery of New Homes: paragraphs 109 – 134
  - Valuing the Historic Environment: paragraphs 135 - 151
  - Valuing the Natural Environment : paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291
- 10 The following Scottish Government Planning Advice Notes (PAN are likely to be of relevance to the proposal,
- PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 11 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

- 12 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.
- Policy 2 – Shaping better quality places
  - Policy 3 – Managing TAYPlans Assets
  - Policy 5 – Housing

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

- 13 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*

15 Under the LDP, the following policies are of particular importance in the assessment of this application.

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- ED3 – Rural Business and Diversification
- ED4 – Caravan Sites, Chalets, and Timeshare Developments
- ED5 – Major Tourism Resorts
- RC4 – Retail and Commercial Leisure Proposals
- RD3 – Housing in the Countryside
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- CF3 – Social and Community Facilities
- HE1 – Scheduled Monuments and Non-Designated Archaeology
- NE2 – Forestry, Woodland and Trees
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- ER5 – Prime Agricultural Land
- ER6 – Managing Future Landscape Change
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP8 – Noise Pollution

#### **OTHER POLICIES**

16 The following supplementary guidance and documents are of particular importance in the assessment of this application

- Developer Contributions Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023

#### **PLANNING SITE HISTORY**

17 There is no known planning history for the proposed site.

## **CONSULTATIONS**

18 As part of the planning application process the following would be consulted:

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Forestry Commission Scotland
- Health and Safety Executive (HSE)
- Perth and Kinross Heritage Trust
- Braco and Greenloaning Community Council
- Blackford Community Council
- Auchterarder and District Community Council
- Muthill and Tullibardine Community Council

### **Internal**

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

19 The key considerations against which the eventual application will be assessed include:

- a. Visual Impact
- b. Scale, Design and Layout
- c. Relationship to nearby land uses
- d. Natural Heritage and Ecology
- e. Landscape
- f. Water resources and soils
- g. Dust
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on agriculture
- k. Archaeology and Cultural Heritage

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

20 Should an EIA not be required the following supporting documents will need to be submitted with any planning application.

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

## **CONCLUSION AND RECOMMENDATION**

21 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

Date: 23 February 2017

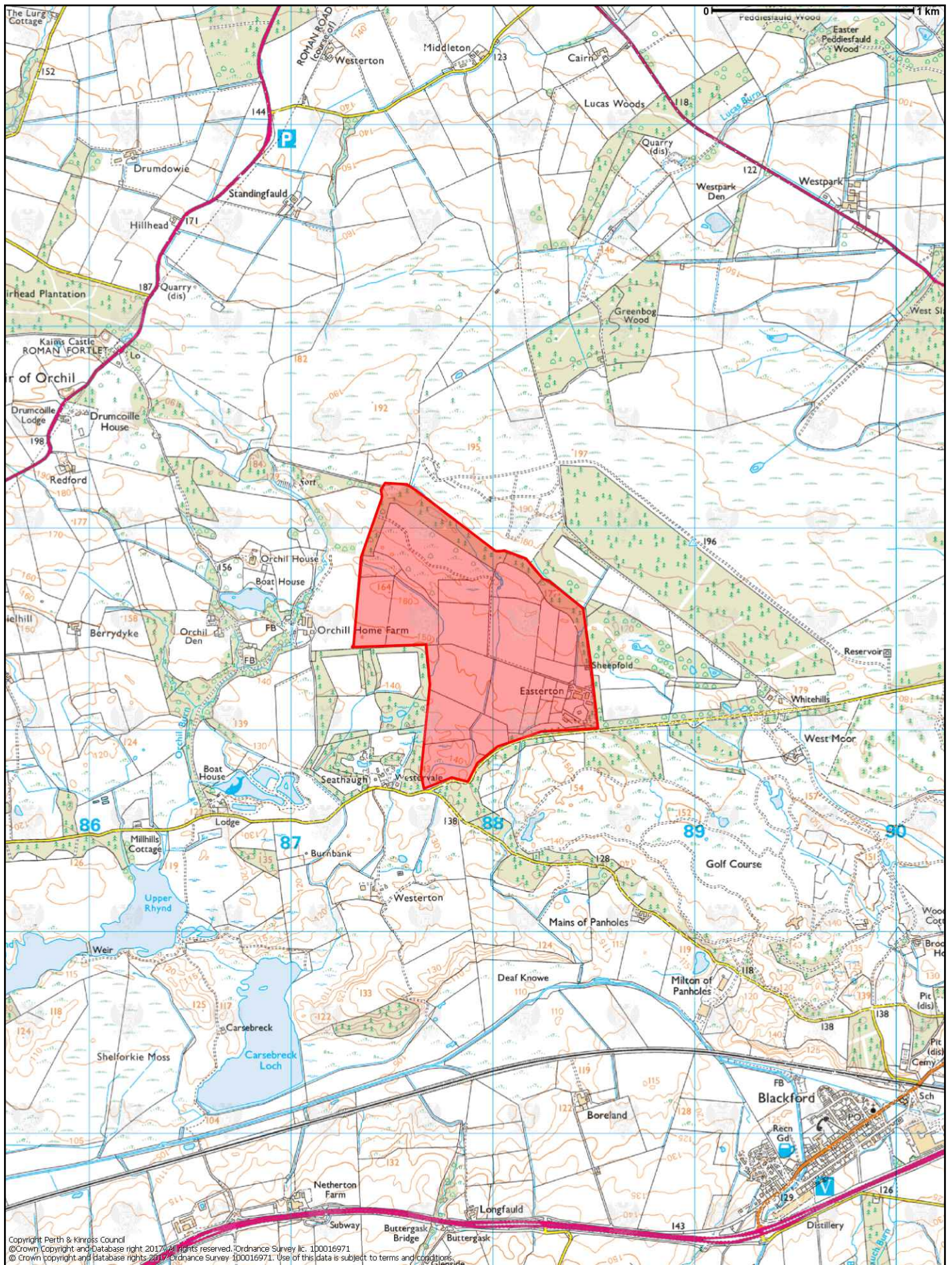
**Nick Brian**  
**Interim Head of Planning**

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## Development Management Committee



Scale 1:25000

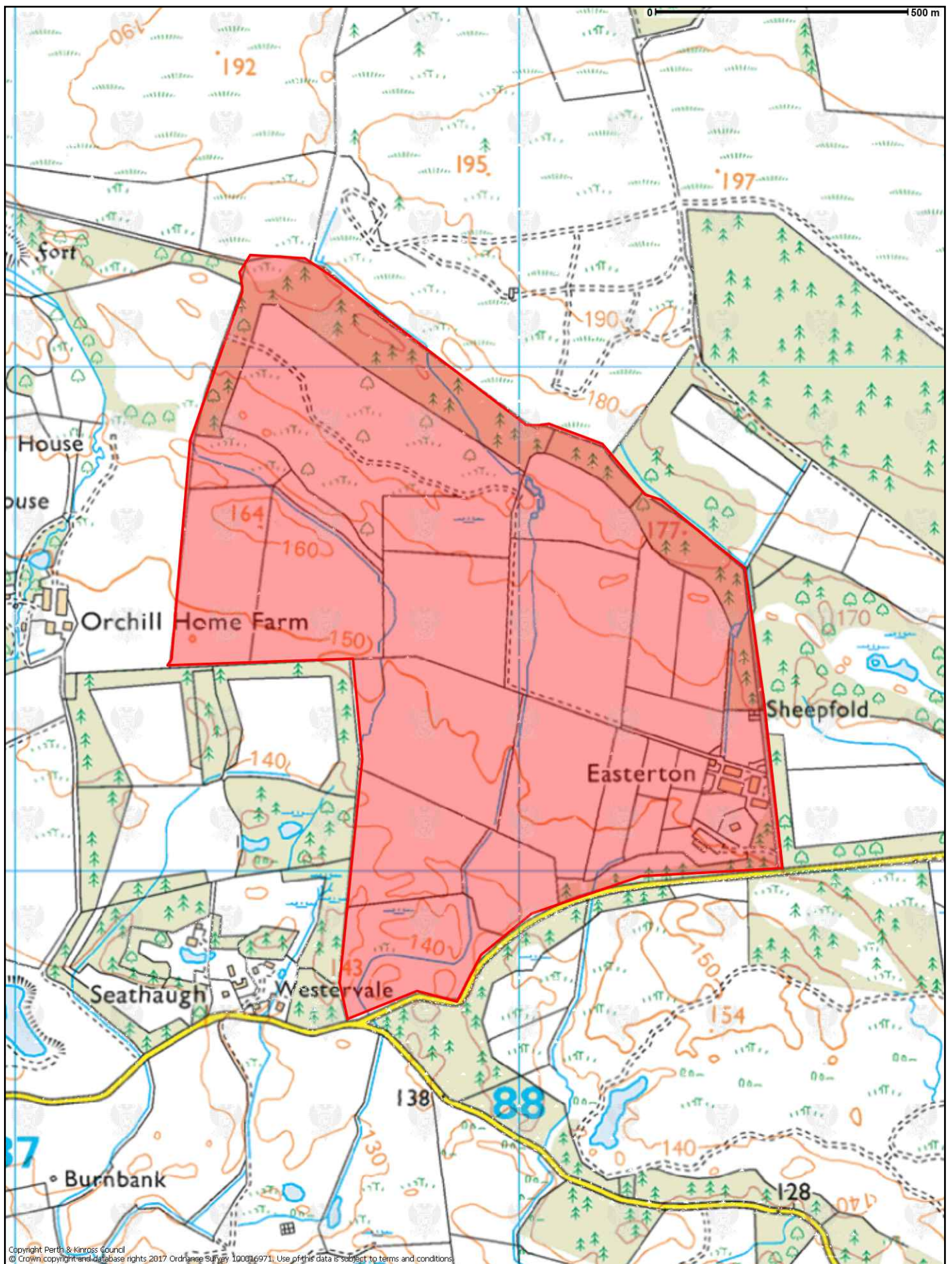
17/0001/PAN

Mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure land at Easterton Farm, Blackford, Auchterarder









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## Development Management Committee



Scale 1:10000

17/00001/PAN

Mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure land at Easterton Farm, Blackford, Auchterarder



