

TCP/11/16(341)
Planning Application 14/00837/FLL - Erection of 9 turbines
and associated infrastructure, Knowes Farm, Dunning

**NOTICE OF REVIEW
AND
REPORT OF HANDLING**

NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

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Agent (if any)

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Postcode

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Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

14/00837/FUL

Site address

KNOWES FARM, DUNNING, PERTH, PH2 0RB

Description of proposed
development

**ERECTION OF 9 WIND TURBINES AND
ASSOCIATED INFRASTRUCTURE**

Date of application

9/5/2014

Date of decision (if any)

18/12/2014

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

1. Can the site be viewed entirely from public land? Yes ☐ No ☒
2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes ☐ No ☒

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

FIELD AND HILL ACCESS IS RESTRICTED BY GATES AND FENCING

Statement

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

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

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

PLEASE SEE ENCLOSED NOTICE OF REVIEW
STATEMENT.

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

Yes ☐ No ☒

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

List of documents and evidence

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

KNOWES WIND FARM ENVIRONMENTAL STATEMENT
KNOWES WIND FARM NOTICE OF REVIEW STATEMENT

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

Checklist

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

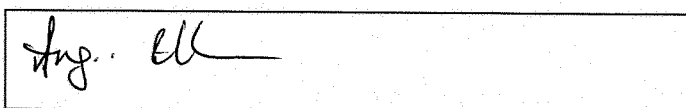
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

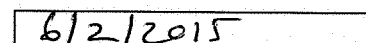
Declaration

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

Signed



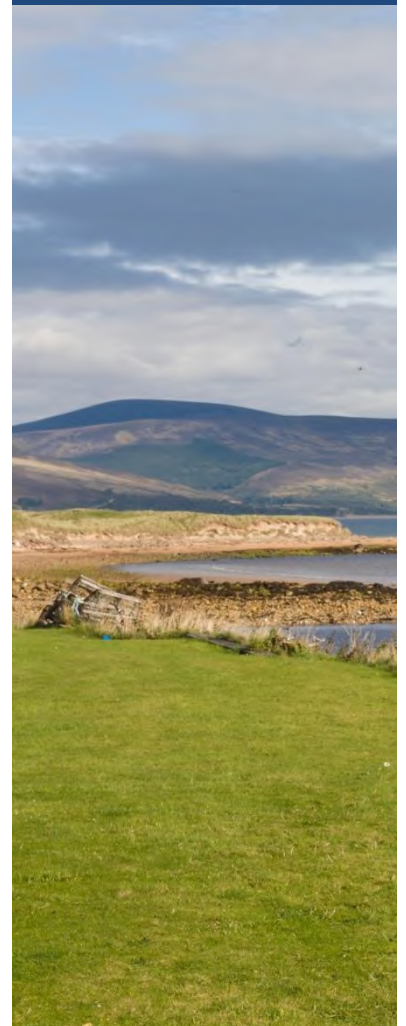
Date



KNOWES WIND FARM

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Preface

This notice of review statement has been produced as part of a request for a review of the reasons for the refusal of planning permission of a wind farm at Knowes, Dunning, Perth and Kinross, PH2 0RB (Ref: (14/00837/FLL).

The planning application for nine 850kW wind turbines is made by Knowes Renewables LLP: a partnership between Muirden Energy and David Myles, who is the owner of Knowes Farm.

Knowes Farm is a 520 acre hill farm that has been in the Myles family for seven generations. The farm is currently only able to support sheep farming and consequently Davie Myles is trying to diversify so that they continue to farm the land and reinvest in the farm. In addition to helping to contribute to the Scottish Government's renewable energy targets, the project would produce the equivalent amount of energy to supply up to 4,274 homes and would contribute to emission reductions of up to 8,644 tonnes of CO₂ a year¹.

The notice of review details concerns set out in Perth and Kinross' Decision Notice and the Report of Handling and provides a rebuttal of these concerns where it is considered that they are overstated or incorrect.

Report written and prepared by:

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¹ Emission reductions were calculated using calculations according to the BWEA Available at: www.bwea.com/edu/calcs.html

1. Perth and Kinross Council's reasons for refusal of planning permission:

'1. That by virtue of the location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 of TAYplan and Policies ER1A (a), ER6 (a)(b) of the Perth and Kinross Development Plan.

2. That by virtue of the location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a)(b)(f) of the Perth and Kinross Development Plan.

3. That by virtue of the location, prominence, scale and layout of the proposed wind farm and its relationship to other wind turbine developments in the area the proposal would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A (a)(h), ER6 (a)(b) of the Perth and Kinross Development Plan.

4. The Environmental Statement fails to assess; the impact on the Dunning Conservation Area and certain listed buildings as well as the impact on residential receptors in close proximity to the site including a care home. The submission fails to adhere to Perth and Kinross Council guidance on the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, additionally information associated with peat and effects on receptors on Ben Cleuch have not been incorporated into the Environmental Statement or planning submission allowing public scrutiny. As a consequence the full extent of the development impacts in terms of the magnitude and complexity of those impacts; the probability of those impacts; and the duration, frequency and reversibility of the impacts of the whole scheme has not been provided and consequently cannot be considered which constitutes lack of information.

2. Grounds for review of decision

2.1 Location of the wind farm

The Planning Officer has attributed the location of the proposal and its contribution to landscape and visual effects in point 1 and 2 of the reasons for the refusal of the planning application. The following sub-section addresses this point and outlines details of the approach used to assess the site location.

The location of Knowes Wind Farm was a considered decision that took into account advice provided by Scottish Natural Heritage (SNH) in the Tayside Landscape Character Assessment:

'Explore the potential to steer wind farm developments away from exposed and steep ridgelines and summits and from locations where their visual influence would extend both north and south. Consider potential areas with shallow bowls and valleys away from ridges. Maximise the amount of backclothing provided by the natural landform. Consider steering development to areas already affected by masts, roads or forestry.'

Knowes Wind Farm would be situated on a section of the northern Ochils Hills that is less distinct when seen in the context of the more exposed and steep ridgelines of Craig Rossie and Ben Effrey to the west of the site. The site is distant from the more prominent summits of the Ochils and consequently would not interfere with more dramatic views that are available towards these particularly sensitive hills. In accordance with SNH's guidance the positioning of the wind farm almost entirely screens views to the

south of the site: greatly reducing its influence on the wider landscape. Whilst, like all wind energy developments, effects to the immediate landscape will occur they will therefore be reduced at greater distances.

Whilst, the positioning of the wind farm in a shallow bowl or valley away from ridges was desired, the necessity for wind turbines to be positioned in locations where there is a high availability of wind is also a priority when developing wind energy developments. The site is consequently located in an area that would be well positioned to exploit the local wind resource, yet set back from ridges where possible.

The wind farm has been located beside the B934 to reduce the spread of development into areas that are considered to have 'wilder characteristics'. The road therefore provides a man-made element to the local landscape in this area, which reduces its sensitivity to the introduction of wind turbines. The road also provides an existing and appropriate access to the wind farm for the vehicles associated with its construction and operation.

The location of the wind farm has been well considered and complies, where achievable, with advice provided by SNH. Knowes Renewables LLP therefore believes that the Planning Officer has incorrectly included this reason for refusing the wind farm.

2.2 Scale of the wind farm

The Planning Officer states that the wind farm's 'scale' and 'dominance' would result in unacceptable landscape and visual effects. Knowes Renewables LLP believes that these reasons and the Planning Officer's related comments in the Report of Handling have been overstated.

The Planning Officer states in the Report of Handling that the vertical scale of the wind turbines would *'become a key and overwhelming characteristic of the site as well as the immediate surroundings in the Igneous Hills LCT where visibility occurs'* and consequently *'the magnitude of change is high and a substantial significant effect would occur on this landscape character type'*.

Whilst Knowes Renewables LLP agree with the Planning Officer in that the immediate wind farm site would be altered and subject to significant effects, similar to any wind farm site of this scale, the effects would be localised and would only influence a small section of the Igneous Hills LCT (shown clearly in Figure 3.8 of Volume 3 of the Environmental Statement (ES)). The Planning Officer, whilst entitled to his own opinion, has arrived at his conclusions through little logical reasoning and his verdicts should be able to be held up to scrutiny. In this case the Planning Officer's judgement does not appear to be based upon any methodology or the opinion of a Landscape Architect, rather a subjective individual approach. Knowes Renewables LLP asks that Perth and Kinross Council re-evaluate the assessment of effects to the local landscape, in particular to the Igneous Hills LCT.

Similarly, the Report of Handling also states that 'the proposed wind farm would have a significant and major effect on the Broad Valley Lowlands LCT', yet there is no logical reasoning besides the project 'introducing windfarm visibility into part of the Broad Valley Lowlands LCT around Dunning which currently has no turbine visibility'. The assessment therefore fails to take into account that in accordance with guidance produced by the Landscape Institute and the Institute of Environmental Management and Assessment that each landscape has a different susceptibility to change (from the introduction of wind energy developments) and value. Consequently, the introduction of a wind farm may result in varying levels of effects to different landscape types. These factors have not been considered in depth and have also not been assessed robustly.

The severity of the judgements made by the Planning Officer are also highlighted when considered with the height of the proposed wind turbines, which he acknowledges at 81m in height are *'small in*

comparison to most modern turbines at 125m'. The turbine model, the Gamesa G52, has been selected following an assessment of the landscape's capacity to accommodate wind turbines of varying sizes. Initially, a 100m to blade tip high wind turbine was selected for the wind farm; however, following a design workshop attended by the project's landscape team it was considered that the blade tip height of circa. 80m and blade length of circa. 25m would not result in a development that dominated the landscape, nor was out of scale with the surrounding landscape. This point is reinforced by the assessment of the three viewpoints described below.

Viewpoint 1, which is taken from the A9 dual carriageway on the descent from the Gask ridge, shows the turbines, whilst visible above the ridgeline, to be of a scale that does not overwhelm the surrounding landscape. The wind turbines are set back from the valley floor and do not encroach on the more prominent steep slopes of Craig Rossie and Ben Effrey. Knowes Renewables LLP reiterates that effects to the view would be moderate but not significant and would not constitute the refusal of this application.

Viewpoint 3, which is taken from Forteviot on the B934, shows the turbines in a linear pattern that relates to the hills surrounding Knowes. The Planning Officer states that the turbines are '*dominant, skyline features*' and that the 'Turbines to the rear accentuate the turbines to the front'. Knowes Renewables LLP disagrees with these comments. Firstly, whilst a proportion of the turbines are visible along the skyline, the turbines do not appear to be dominant within the landscape, rather the layout relates to the landform and the turbine model is suitable in scale. Secondly, the suggestion that the turbines to the rear accentuate those to the front appears to be baseless and does not hold up to scrutiny.

Viewpoint 5, which is taken from Aberuthven, shows the wind turbines to generally relate to the landform of the Ochils, whilst only occupying a single hilltop. Views of the wind farm would therefore be contained to a narrow extent of the landscape and the wind farm would not appear to encroach onto Craiggrossie Crag. The wind turbines are not dominant and consequently the predicted moderate effect to this view does not constitute the refusal of this application.

2.3 Layout of the wind farm

The layout of the wind farm has been influenced by environmental factors that were identified and mitigated throughout the design process. In particular, efforts were made to reduce the extent of the wind farm development along the Ochil Hills, to ensure no effects were made to private water supply catchment areas and no effects were made to aviation radars.

Whilst the layout of the wind farm is cited in the first reason for refusal due to its effects on landscape character, the Report of Handling makes no reference to the negative effects attributed to the layout of the wind farm in its assessment on landscape character. Knowes Renewables LLP do not therefore consider there to be sufficient grounds to refuse the application due to the layout of the wind farm and its effects on landscape character. This lack of attention to detail is a concern throughout the Council's assessment of the proposal.

The wind farm's layout and its associated visual effects are assessed in greater detail by Perth and Kinross Council. In particular, the Report of Handling provides a comparison between the different wind farm designs of wind farms in the Ochil Hills.

The layout of Knowes Wind Farm is a square, gridded pattern with three wind turbines comprising each side of the rectangular wind turbine development area. Consequently, when viewed, the wind farm appears to predominantly have a distinct linear pattern of either one or three lines of wind turbines.

Depending on the angle of view, the view of the wind farm that is experienced changes. The wind farm therefore appears in a linear formation from the northeast (e.g. Viewpoint 3 taken from Forteviot) and three, distinct lines of wind turbines from the northwest (e.g. Viewpoint 1 taken from A9). A similar change in appearance occurs with all wind farm designs and consequently it is important to consider this when assessing the appearance of a wind farm over a range of angles.

The Report of Handling reviews the design and layout of the wind farm against other wind farms situated within the Ochil Hills. Whilst the report appears to suggest a vague similarity between the designs of the existing wind farms, this commentary appears to be far-fetched with each of the wind farms generally possessing different designs in each of the assessed viewpoints. The pattern of development within the Ochil Hills therefore appears to be vague with no tendency towards any specific design pattern. The project at Knowes would consequently not upset the existing pattern, but instead would be in keeping with the varied design of wind energy developments.

The layout and design of Knowes Wind Farm provides the development with a narrow appearance compared to other larger wind farms. This reduction in its visual extent decreases the development's prominence when added to the baseline of existing wind farms and ensures that the remaining capacity of the landscape to accommodate wind turbine development is not exceeded.

Knowes Renewables LLP does therefore not agree that the layout of the wind farm should be a contributing factor to the refusal of the planning application.

2.4 Cumulative effects

Each planning application should be judged by the Planning Officer on its individual merits and this does not appear to have been the case when considering potential cumulative effects created by the introduction of Knowes Wind Farm.

The Planning Officer and SNH have consistently placed emphasis on comments made by the reporters and consultees for several past planning applications in separate areas of the Ochil Hills, whilst providing little evidence of significant cumulative effects attributed to Knowes Wind Farm occurring in the Ochil Hills. Knowes Renewables LLP accepts that the comments may provide context to the proposal and its setting; however, the application cannot be determined based on feedback from separate planning applications and without further robust evidence of potential significant effects. Knowes Renewables LLP therefore requests that a review of any potential cumulative effects specifically attributed to the introduction of the Knowes development is undertaken by the Local Review Body.

When assessing the cumulative effect introduced by the project it is important to gauge the Zone of Theoretical Visibility (ZTV) of the project to illustrate where potential cumulative effects with Knowes Wind Farm could occur. The ZTV (Figure 3.7 of Volume 3 of the Environmental Statement) for Knowes Wind Farm is contained to the immediately surrounding area and occasional elevated areas within the Ochil Hills. Outside of the Knowes Wind Farm ZTV there is no potential for additional cumulative effects attributed to the proposal. Within these infrequent elevated areas that receive visibility of the wind farm there are occasional cumulative effects with the other wind farms located in the Ochils; however, the effects are limited to an extent due to the separation of 6km between Knowes and Green Knowes, 9km between Knowes and Lochelbank and 13km between Knowes and Burnfoot Hill. Viewpoint 13 provides an illustration that is representative of the potential extent of these cumulative effects from nearby elevated hill summits. Knowes Wind Farm appears to be contained to a modest extent of the landscape in comparison to the larger wind farms in the Ochil Hills, such as Green Knowes, and consequently would introduce a greatly reduced cumulative effect.

It is noteworthy that cumulative effects, in addition to being infrequent to the south, are experienced more notably to the north as distance increases away from the proposal: typically at distances greater than 10km. It is at these distances greater than 10km that the Report of Handling refers to when addressing cumulative visual effects. In particular, the Planning Officer states that cumulative effects introduced by Knowes Wind Farm illustrated in Viewpoints 6, 8, 9, 10, 11 and 12 warrants the refusal of the application. Knowes Renewables LLP disagrees with this conclusion and requests that the Local Review Body re-assess the level of cumulative landscape and visual effect introduced by Knowes Wind Farm. A summary of the reasoning behind this disagreement, which is further detailed at greater length in Chapter 3 of the Environmental Statement, is provided.

Viewpoint 6 shows the relationship between Knowes, Green Knowes and Lochelbank from St David's. At a distance of over 10km the wind farms are not prominent features within the view and are clearly separated by intervening hills. The extent of effects from this distance is limited and consequently cumulative effects would not be significant in order to warrant refusal of the application.

Viewpoint 8 shows the relationship between Knowes and a number of wind turbine developments in the surrounding area. Knowes would be seen within the same extent of the view as Green Knowes, Burnfoot Hill and Rhodders and would consequently not reduce the perceived spacing between the groups of turbines in the view. At a distance of over 16km from Knowes, the development would not introduce significant cumulative effects to the view to warrant refusal of the application.

Viewpoint 9 shows the relationship between Knowes, Green Knowes and Lochelbank from Fowlis Wester. Similarly to Viewpoint 6 the wind farms are not prominent at a distance of over 14km and are clearly separated by intervening hills. The extent of effects from this distance is limited and consequently cumulative effects would not be significant in order to warrant refusal of the application.

Viewpoint 10 shows the relationship between Knowes, Green Knowes, Burnfoot Hill and Extension, Rhodders and East Blair Farm from Keillor. At a distance of approximately 14km, the introduction of the project at Knowes would increase the extent of wind farm development when viewed towards the Ochil Hills; however, the medium scale turbines would not be distinct from this distance. The extent of effects from this distance is modest, yet cumulative effects would not be significant in order to warrant refusal of the application.

Viewpoint 11 shows the relationship between Knowes, Green Knowes, Burnfoot Hill and Extension and Rhodders from Methven from a distance of approximately 14km. At this distance Knowes would occupy a narrow extent of the landscape and due to the scale of the turbines it would be a minor feature. Whilst extending the extent of development within the Ochils, at a distance of 14km the extent of effects do not warrant refusal of the application.

Viewpoint 12 shows the relationship between Knowes, Green Knowes and Lochelbank from Crieff. From a distance of over 17km from Knowes the proposal would be modest in appearance and would be well spaced between Lochelbank and Green Knowes. Cumulative effects, whilst present, are not at a significant level to merit refusal of the application.

The above reasoning confirms that cumulative effects would not be of a sufficient level to warrant refusal of the planning application.

2.5 Dunning Conservation Area

Point 4 of the reasons for refusal states that the Environmental Statement fails to assess '*the impact on the Dunning Conservation Area*' and consequently the extent of development impacts '*has not been provided and consequently cannot be considered which constitutes lack of information*'.

The Report of Handling provides the first reference to this request for information regarding the Conservation Area by the Planning Officer following his receipt of unpublished and unforthcoming comments made by the Council's Conservation Officer. The unpublished comments were subsequently provided to Knowes Renewables LLP following the refusal of the application and were therefore not addressed whilst the planning application was pending consideration.

Whilst, potential effects to the Dunning Conservation Area are not assessed in detail in the Cultural Heritage chapter of the Environmental Statement they are assessed comprehensively in Chapter 3 of the Environmental Statement (Landscape and Visual). Knowes Renewables LLP would therefore like to take the opportunity to inform the Council that this assessment had been undertaken and the effects could have been reviewed following either a review of the Environmental Statement or through consultation with the applicant.

It is of note that following the review of the application the Report of Handling states in its conclusion that *'there are no overriding problems in relation to the natural heritage interests for the area'*, yet the effects to the Dunning Conservation Area is subsequently mentioned in the application's reasons for refusal. Additionally on this matter, Dunning Community Council has chosen not to object to the planning application.

2.6 Kippen House

Point 4 of the reasons for refusal also states that the Environmental Statement fails to assess the impact on 'certain listed buildings' and consequently the extent of development impacts 'has not been provided and consequently cannot be considered which constitutes lack of information'.

Whilst, referring to 'buildings' it is assumed that this comment refers to the single Category B listed Kippen House that is mentioned in the Report of Handling. Knowes Renewables LLP considers that effects to this building would not be significant. Historic Scotland has also not raised any concern over the potential effects to this building.

As stated earlier, the Report of Handling states in its conclusion that *'there are no overriding problems in relation to the natural heritage interests for the area'* yet the effects to listed buildings is subsequently mentioned in the application's reasons for refusal.

2.7 Residential receptors

Point 4 of the reasons for refusal also states that the Environmental Statement fails to assess the impact on *'residential receptors in close proximity to the site including a care home'* and consequently the extent of development impacts *'has not been provided and consequently cannot be considered which constitutes lack of information'*.

Excluding the financially involved properties that are owned by the Myles family, who own Knowes Farm, all residential properties are situated at a distance greater than 1km from the wind farm. Beyond 1km of Knowes Wind Farm residential properties typically receive primary views to the north over Strathearn due to the steep hill slopes of the Ochil Hills constraining views to the south. Where secondary views of the wind farm are obtained these views are often screened by intervening vegetation, which is referred to in the Report of Handling, however, occasional views may still occur. The more elevated properties of Middle Third and Wester Gatherleys, referenced in the Report of Handling, would be situated between 1.8 and 2.5km from the wind farm and similarly, whilst receiving views towards Knowes, would receive primary views towards and over Strathearn. Overall, the number of properties that receive views of the wind farm within 2km of the wind farm is very low and effects to

these properties are not considered to be significant. Knowes Renewables LLP therefore disagrees with this concern raised by the Planning Officer.

2.8 Quality of visualisations and images

The Report of Handling criticises the cumulative zone of theoretical visibility maps (ZTVs) produced by Knowes Renewables LLP because they illustrate *'visibility of other windfarms within the theoretical visibility associated with Knowes only'* making it *'particularly difficult to build up a clear picture of the cumulative impact of windfarms due to the presentation of cumulative ZTVs'*. Knowes Renewables LLP acknowledge the Planning Officer's comments, however, the ZTVs have been generated in accordance with Scottish Natural Heritage guidance to show cumulative effects associated with the introduction of the Knowes Wind Farm proposal, rather than to provide a wider study of the cumulative effects of wind farms in Perthshire (which would generally be expected to be undertaken by the Council). The approach chosen by Knowes Renewables LLP is therefore focussed specifically on showing, with clarity, the cumulative effects that would be created by the Knowes Wind Farm project.

Point 4 of the reasons for refusal also states that *'the submission fails to adhere to Perth and Kinross guidance on the Preparation and Submission of Photographs and Photomontages'*. The photographs and photomontages were instead created to adhere to guidance published on a national level by Scottish Natural Heritage at the time of the preparation of the Environmental Statement. Consequently, the materials, whilst not entirely to the specification of the Perth and Kinross Council unpublished guidance, are adequate in providing a representation of how the wind farm would appear in the local landscape. Knowes Renewables LLP therefore acknowledge the differences between the preferred format of illustrations and the documents submitted, but do not consider that the differences merit the refusal of the application.

2.7 Additional information submissions

Point 4 of the reasons for refusal also mentions that *'information associated with peat and effects on receptors on Ben Cleuch have not been incorporated into the Environmental Statement or planning submission allowing public scrutiny'*. Knowes Renewables LLP was informed that this Supplementary Environmental Information would not be accepted by the Planning Officer and consequently it was decided that it was still beneficial to reassure the consultees that there would be no unacceptable environmental impacts to the areas of their concern. The information requested from Clackmannanshire Council and SEPA was therefore submitted to the consultees and their objections were both removed following its review. It is considered that by providing further information, which was not considered important to the outcome of the planning application by the Planning Officer, it would allow for a more comprehensive planning decision to be made. Knowes Renewables LLP acknowledge that the submitted information has not been subject to public scrutiny and only scrutinised by the consultees; however, the information submitted has been beneficial to the application process and is available at the request of the Local Review Body. Knowes Renewables LLP does not consider that engaging with consultees should be a reason for refusing the application.

3. Community

3.1 Community investment

From the start of the project Muirden Energy have engaged with the community of Dunning to try and share the benefits of renewable energy. In 2012 Muirden Energy started working with the Dunning Energy Enterprise to discuss the possibility of the organisation purchasing a wind turbine. Between 2012 and 2014 Muirden Energy met with the Dunning Energy Enterprise a number of times to help

deliver their ambitions for the community to receive an income that could benefit Dunning community initiatives. Following encouraging discussions they came to a decision in 2014 that they would not continue with their involvement due to a number of reasons. However, the discussions were productive and Muirden Energy would like to continue to offer this opportunity if the group choose to reconsider their involvement in the project.

3.2 Dunning Community Council

Muirden Energy held a public exhibition in Dunning to reveal the plans for the wind farm prior to the submission of the planning application. In addition to the public exhibition, Muirden Energy carried out a presentation and held a Q & A session with the Dunning Community Council to answer any questions related to the wind farm plans. Following this session the Dunning Community Council chose not to object to the planning application.

3.3 Community benefit

In addition to supporting the landowner, the wind farm at Knowes would contribute £38,250.00 annually into a community fund for the Dunning community. Applications would be able to be made so that local community groups and initiatives could benefit from this fund.

4. Conclusions

Scottish Planning Policy states that *'...planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed'* (Paragraph 187). Knowes Renewables LLP believes that this Notice of Review Statement makes the case that environmental concerns have been addressed and that the planning application Decision Notice overstates the impacts of the wind farm.

Regarding rural development it states in Paragraph 95 that it aims to *'...maintain and improve the viability of communities and to support rural businesses.'* Knowes Farm is currently not able to be farmed viably by the Myles family and the proposed wind farm would allow for investment to be put into the farm to ensure that it is used productively and maintained over the long term.

Knowes Renewables LLP consequently request that the Local Review Body consider the content of this Statement in order to determine whether the planning application has been incorrectly refused.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/00837/FLL	
Ward No	N7 - Strathallan	
Due Determination Date	15.09.2014	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: **Erection of 9 no, turbines and associated infrastructure**

LOCATION: **Knowes Farm, Dunning, Perth, PH2 0RB**

SUMMARY:

All windfarm developments are likely to have significant effects because of their size and the need for locations exposed to adequate wind. In this case, having reviewed the Environmental Statement (ES) relating to the potential impacts of the development for the erection of nine wind turbines with associated works on land at Knowes Fram by Dunning, the magnitude of the adverse effects are significant and make the proposal environmentally unacceptable.

Accordingly, this report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations of sufficient weight which justify setting aside the Development Plan.

DATE OF SITE VISIT: Various 11 June 2014, 17June 2014 and 17 July 2014.

DESCRIPTION OF PROPOSAL

The windfarm application site is approximately 226 hectares in area, is located on Black Hill of Kippen, and Eldritch Hill which form part of the northern flank of the Ochil Hills. The site is approximately 2.5km to the south of Dunning, Aberuthven is 4.6km to the northwest and Auchterarder roughly 5 km to the west of the site.

Eight of the nine turbines are set on Black Hill of Kippen (362m) while the remaining turbine is located on the lower slope of Eldritch Hill (370m). Watercourses consisting of several small burns drain the valley between Black Hill of Kippen and Eldritch Hill into the Dunning Burn before flowing into the River Earn.

The proposal involves the erection of nine turbines in a grid layout which effectively forms a diamond shape. Two of the nine turbines will be 70 metres in height with a 44 metre tower while the tip for the remaining turbines will be 81metres in height with a 55 metre tower. The rotor for all the turbines will be 52 metres in diameter.

The proposed delivery route of the turbine components would leave the trunk road network at junction 6 of the M90 through Drum and Crook of Devon on the A977 before exiting onto the A823 before exiting onto the B934. Access to the windfarm site is gained from the B934. It is intended to use an existing section of the farm track to the farm steading before creating some 4km of new access tracks to the proposed turbine locations. Each turbine location will have a hard standing to facilitate the erection of the turbine by crane. The material associated with the construction of the access roads, foundations and crane hard standing would be brought in from off site.

The turbines will be connected by underground cables to an electrical control building; the indicative location of the control building is not shown despite the commentary within the Environmental Statement which stipulates it is contained in Figure 1.3 of ES Volume 3. The scheme will require a grid connection point to export electricity, no connection point is identified in the ES although the applicant has advised the connection would be made by undergrounding the cable.

The maximum combined output of the seven turbines is dependent on the final turbine selection however the applicant has confirmed that the generating capacity of candidate turbine would be 0.85MW. This would result in the development having generating capacity of up to 7.65MW.

BACKGROUND: SUMMARY OF ELECTRICITY INFRASTRUCTURE HISTORY IN THE AREA

There is a significant amount of history associated with windfarm proposals and electricity infrastructure in this southern area of Perth and Kinross. To fully understand how this proposal relates to these schemes it is prudent to set out the history.

The Ochil Hills co-joined Public Local Inquiry

In 2006 there were six appeals being considered by Scottish Ministers in the Ochil Hills within the Perth and Kinross area, as follows:-

- Greenknowes by Glendevon – P/PPA/340/420 – 18 Turbines (95m high) – 31.5MW
- Little Law, Corb and Coulshill Farms, Auchterarder – P/PPA/340/484 – 14 Turbines (112m high) – 42MW.
- Mellock Hill, Crook of Devon – P/PPA/340/485 – 14 Turbines (115m High) – 35MW.
- Knowehead, nr Dunning – P/PPA/340/486 – 24 Turbines (98m high) – 42MW.
- Snowgoat Glen, nr Dunning – P/PPA/340/490 – 10 Turbines (91m high) – 13MW
- Lochelbank Farm, Glenfarg – P/PPA/340/491 – 12 Turbines (91m high) – 16MW.

The outcome of this Public Local Inquiry established the current pattern of windfarm development in the Ochills which comprise three well-spaced developments consisting of Greenknowes, Lochelbank and Burnfoothill which is within the administrative area of Clackmannanshire Council.

Since the approval of these schemes other applications for windfarm development have come forward. Where these have been viewed as extensions and have not compromised the spatial framework of the now operational windfarms in the Ochills they have been approved:-

- Burnfoothill extension, Clackmannanshire – 6 Turbines (102m high) – 12MW
- Burnfoothill extension, Perth and Kinross – 2 Turbines (102m high) – 4MW.

Where schemes have been brought forward which infill the separation between the operational windfarms which compromises the spatial framework they have been refused:-

- Frandy Hill, Glendevon, Perth and Kinross – P/PPA/340/2072 – 7 Turbines (102m high) – 14MW.
- Tillyrie (1), Milnathort, Perth and Kinross – PPA-340-575 – 5 Turbines (75m high) – 4.25MW.
- Tillyrie (2), Milnathort, Perth and Kinross – PPA-340-2083– 3 Turbines (74m high) – 2.4MW.

It should be noted that the ownership of the Knowes site under consideration overlaps with the Snowgoat Glen application that was refused at appeal. However no turbines or associated turbine infrastructure associated with the Knowes proposal is sited on or where the overlap occurs.

PRE-APPLICATION CONSULTATION

An EIA scoping exercise undertaken to inform preparation of Environmental Statement reference 12/01310/SCOP.

NATIONAL POLICY AND GUIDANCE

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

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

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; and
- the determination of planning applications and appeals.

Of relevance to this application is/are,

A successful Sustainable Place

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

A Low Carbon Place

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

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

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

Provides specific topic guidance to Planning Authorities from Scottish Government.

The topic guidance includes encouragement to planning authorities to:

- development spatial strategies for wind farms;
- ensure that Development Plan Policy provide 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.

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

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 – 2032 - Approved June 2012

The vision set out in the TAYplan states that:

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

Policy 2: Shaping Better Quality Places

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

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

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 February 2014

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.

The relevant policies are, in summary:

Policy PM1A - Placemaking

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 adaptation.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

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 TA1B - Transport Standards and Accessibility Requirements

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

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

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

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

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

The Council will seek to manage change in order to protect and enhance the integrity of those sites currently included in the inventory.

Policy NE1A - International Nature Conservation Sites

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

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

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

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

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

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

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

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

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

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 EP5 - Nuisance from Artificial Light and Light Pollution

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

Policy EP8 - Noise Pollution

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

This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005 following extensive public consultation.

However, in considering this particular proposal, account should be taken of the findings of Ms McNair (reporter) in relation to the Abercairny wind farm proposal, as well as the Council's experience in using the WEPG since 2005. The Council also recognises that following the publication of the Scottish Planning Policy, it is necessary to revisit and refine the precise wording of its supplementary planning guidance on wind energy, to ensure that it provides the most up-to-date and helpful guidance for both developers and the Council in its consideration of planning applications for wind energy developments. I therefore consider that although the presence of this document should be noted, its weighting in the determination of this planning application should be limited.

Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, for inclusion in Planning Applications and Environmental Statements

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

Tayside Landscape Character Assessment (TLCA)

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

The David Tyldesley and Associates – Landscape Study – Wind Farm Development in the Ochil Hills and part of Southern Highland Perthshire (2004)

This study is strategic in nature and concentrates on landscape character and visual amenity. Designations and associated policies are not taken into account, it adopts the landscape character types identified in the Tayside Landscape Character Assessment and divides them into smaller units. The site is located within Unit 0.14 Northern Hills: Black Hill of Kippen

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

This technical documents purpose is to inform the development of the 'spatial strategy for Wind' which will be subject to consultation and ultimately approval by the Council as supplementary guidance. The need for the preparation of this Supplementary Guidance is detailed in the Local Development Plan under the heading 'Guidance to be published later' in Appendix 1: List of Supplementary Guidance.

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.

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.

Although this document will inform part of a strategic planning framework 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.

The site is located within Unit 8a (i) Ochil Western & Central Hills and Glens

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

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.

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.

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.

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.

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.

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 (2009)

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

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

CONSULTATION RESPONSES

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

Historic Scotland – Have concluded that the development does not raise issues of national significance sufficient to warrant an objection for their historic environment interests.

Scottish Natural Heritage – The Knowes Farm Proposal will be seen as a separate windfarm rather than an extension to any of the existing developments and as a result conflicts with the existing development pattern in the Ochil Hills. When viewed from the north Knowes Farm will appear to sit between Greenknowes and Lochelbank and reduce the gap between wind farms by approximately half. In SNH's view this will result in significant adverse cumulative landscape and visual impacts on the landscape character of the Ochil Hills, the views and visual amenity of residents, visitors and road users in Strathearn and recreational users in the Ochil Hills.

With regards to protected areas, habitats and ecological interests they are of the view that the proposal will not have a significant effect if mitigation measures are secured. They have provided a compilation of recommended conditions and mitigation measures if the Planning Authority deems the application acceptable.

Scottish Environment Protection Agency – Initially objected to the application due to lack of information. Following the formal submission of Supplementary Environmental Information SEPA still maintained their objection as detailed in correspondence dated the 10/09/14. Following receipt of additional information that was provided directly to SEPA (which has not formed part of the formal application submission) they have advised that this would alleviate their objection. Conditions are recommended to secure mitigation measures if the Planning Authority deems the application acceptable.

RSPB – No comments.

Forestry Commission – No comment as there is not impact on woodland or forestry.

Ministry Of Defence – Has withdrawn its objection subject to conditional control being used to secure mitigation to ensure that the windfarm does not cause an unacceptable interference to the Meteorological Office Radar at Munduff Hill.

National Air Traffic Services – No objection based on the information provided at this time.

Perth and Kinross Area Archaeologist – have taken account of the potential impact on local archaeology and they offer no objection subject to conditional control.

Clackmannanshire Council – Initially objected to the application as they were not persuaded that the application demonstrated that there was no significant adverse

cumulative impact on the landscape character of the Ochill Hills. Following receipt of additional information that was provided directly to Clackmanashire Council (which has not formed part of the formal application submission) they have withdrawn their objection but invite Perth and Kinross Council to take account of their observations on the planning application and environmental statement.

Fife Council – No comment.

Environmental Health – No objection subject to conditional control relating to private water supplies.

Dick Bowdler, acoustician – Has concerns that the financially involved properties have not been correctly identified.

Transport Planning – No response received within timescales.

Local Flood Prevention Authority – No objection.

Biodiversity Officer – No objection subject to conditions.

Conservation Team – There is no recognition or assessment of the potential impacts upon on the Dunning Conservation Area or the Category B listed Kippen House. Accordingly these compromise significant omissions from the cultural heritage section of the environmental statement.

REPRESENTATIONS

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

Support: Twenty-eight letter of support has been received raising the following issues:

- Considered to be an appropriate area for a windfarm
- The size of the turbines are suitable for the area
- It's a valuable diversification of a farming business
- It will contribute to meeting government renewable energy targets
- It's a no polluting source of energy
- The development will contribute to a decentralised mix of energy
- The scheme will reduce the need for unsuitable sources of power
- It will mitigate climate change
- There will be economic benefits and job creation

Objections: Seventy-seven letters of objection have been received raising the following issues:

- Out of scale, unacceptable design and sky lining
- Adverse impact on landscape character
- Inappropriate landuse and loss farming land

- Visual impact on residents, recreational users, core path users, rail users and road users.
- Impact on tourism
- Contrary to development plan, Scottish Planning Policy and PKC supplementary planning guidance
- Cumulative impact and sequential cumulative impact (Greenknowes, Burnfoothill, Burnfoothill extension and Lochelbank). Environmental Statement underestimates the Cumulative Impact.
- Impact on ornithology
- Noise pollution
- Impact on Dunning and Dunning Conservation Area.
- Impact on listed buildings
- Shadow flicker
- Danger to wildlife
- Site was associated with previous inquiry refusal
- Impact on private water supplies
- Impact on roads
- Restoration position should be secured via legal agreement
- No analysis of alternatives in Environmental Statement
- Author of Landscape and Visual Impact Assessment not identified
- Concern with 'significance' matrix with Environmental Statement
- Concern that application places reliance on woodland for screening
- Visualisations are misleading

The above matters are addressed in the planning appraisal section of this report. However the following elements are best addressed under the following headings:-

- **Application submitted by a 'special purpose vehicle'** - the concern expressed regarding the company name and its structure is noted but this does not affect the assessment of the planning application.
- **Subsidies are born by tax payers** - the impact this submission has on tax payers fall out with the remit of this planning assessment.
- **Legal agreement should ensure re-occupation of house** – there is not considered to be a planning basis to secure the reoccupation of the dwelling via the submission of this application. However, the relationship between this property and the windfarm are discussed in greater detail under the noise heading within the appraisal section of this report.
- **Efficiency of turbines questioned** - 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.

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.

- **Property Prices will be affected** - The concerns relating to the loss in property value is noted however this fall out with the remit of this planning assessment.

Additional Statements Received:

Environment Statement	Submitted
Screening Opinion	Environmental Statement submitted.
Environmental Impact Assessment	Applicable
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Incorporated into Environmental Statement.

APPRAISAL

Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by section 2 of the Planning etc (Scotland) Act 2006, decrees that planning decisions are required to be made in accordance with the development plan unless material considerations indicate otherwise. Thus it is necessary to establish whether the proposal accords with the Development Plan and whether any material consideration indicates that the decision should not accord with the plan. The development plan for the area within which the application site lies consists of TAYplan 2012 and the Perth and Kinross Local Plan 2014.

Policy 6 of the TAYplan relates to the aim of delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets. Of all the Strategic Plan policies I find this is one of the most relevant to the determination of the proposal. The policy seeks to grow and deliver this type of infrastructure in the most appropriate locations; it puts emphasis on the need for local plans to be consistent with Scottish Planning Policy requirements 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.

With regards to the recently adopted Perth and Kinross Local Development Plan there are numerous individual policies that are applicable in the determination of the application as detailed in the policy section. However Policy ER1A: New facilities is of particular importance, this confirms that proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported subject to a number of factors being taken into account. These include the individual

or cumulative effects on landscape character, the contribution towards meeting carbon reduction targets, the impact on the local economy, including tourism and recreation interests, and their fit with the special framework for wind energy developments. The latter is to be provided by supplementary guidance for large scale wind energy and other developments.

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

Landscape and Visual Impact

Landscape Character

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. The adopted 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 & 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.

The Council's forward planning team are currently progressing with the preparation of supplementary guidance associated with Policy ER6. This work is looking at the qualities and potential designation of the landscapes within Perth and Kinross. The Ochils is a candidate special landscape area however at this stage I can attach little weight to this work. The note associated with Policy ER6 acknowledges that until it is possible to assess the acceptability of development proposals against Perth and Kinross-wide Supplementary Guidance on Landscape, priority will be given to safeguarding and enhancing the landscape of National Scenic Areas and the Tayside Landscape Character Assessment 1999 (TLCA) will be used for assessing development proposals, along with other material considerations. Accordingly the planning authority's assessment focuses on the TLCA along with the David Tyldsley Studies.

The site lies within the Igneous Hills Landscape Character Type (LCT) of the TLCA. Lochelbank, Greenkows and Burnfoot Hill extension are located in this landscape unit within Perth and Kinross Council. The Burnfoothill windfarm and the Rhodders extension lie within the Central Region Assessment area in Clackmannanshire Council within a unit that contains the same qualities as the Igneous Hills.

The TLCA states that the Ochils may be one of the most suitable areas for wind turbine developments in Tayside, but also points out that, from an environmental perspective, such areas need to be evaluated in terms of the sensitivity of the

landscape and its capacity to absorb development. In its detailed landscape guidelines, the TLCA states that the potential should be explored to steer wind farm developments away from exposed and steep ridgelines and summits, and from locations where their visual influence would extend both north and south. Potential areas with shallow bowls and valleys away from ridges should, instead, be considered and development steered to areas already affected by masts, roads or forestry. The amount of backclothing provided by the natural landform should be maximised.

The assessment in ES acknowledges that the Igneous Hill LCT generally has a medium/high sensitivity to change of the type associated with wind farm development. The ES assessment confirms that:-

‘Overall, the predicted landscape effects on the Igneous Hills LCT would be moderate and not significant. However, significant effects would occur to the landscape of the development site’.

Due to the windfarms siting and the extent of the Igneous Hill LCT the effect on this landscape character unit is generally localised and confined to small sections to the north and east of the LCT as detailed in Figure 3.8 of the ES. At these locations the landscape character would change from dramatic, steeply rolling hills with open moorland with some plantations to incorporate tall turbines with moving blades, access tracks and associated infrastructure. The vertical scale of the turbines would diminish the drama of the hills and become a key an overwhelming characteristic of the site as well as the immediate surroundings in the Igneous Hill LCT where visibility occurs. It is the planning authority’s opinion that the magnitude of change is high and a substantial significant effect would occur on this landscape character type.

The David Tyldesley and Associates Landscape Study – Wind Farm Development in the Ochil Hills and part of Southern Highland Perthshire (2004), is a particularly useful document as this creates local landscape units within the Igneous Hill LCT. It provides a more meaningful context in which to assess the proposals impact on landscape character. In this regard the planning authority is of the view that the magnitude of change is high with a substantial significant effect occurring on the landscape character sub-unit O.14 Northern Hills: Black Hill of Kippen where the windfarm would be located. This substantial and significant effect is considered to extend eastwards into sub-unit O.15 Northern Hills: Cleavage Hills. However the planning authority accept the significance of the effect will diminish as visibility extends east over and into sub-unit O.16 Northern Hills: Culteucher to Balmano.

While visibility of the windfarm from the south is generally restricted to the higher summits due to landform it is at these locations where interaction with operational and consented windfarms occur. Having reviewed the applicant’s assessment on cumulative issues the planning authority disagrees that the cumulative impact on the Igneous Hill LCT is slight.

The 2010 technical study prepared by David Tyldesley and Associates entitled Landscape Study to Inform Planning for Wind Energy acknowledges that decisions by reporters have shown that cumulative effects within the Ochils are a significant

issue as an acceptable degree of separation between the proposed windfarms and other installed and permitted windfarms is unlikely to be achievable. As detailed in page 40 of the document Zone F: Ochils & Loch Leven Basin. This stance has been further reinforced by appeal decisions following the commissioning of the 2010 document which were subsequently refused for eroding the spatial framework of windfarms in the Ochils, such as Frandy Hill and Tillyrie.

Based on the applicant's submission it is particularly difficult to build up a clear picture of the cumulative impact of windfarms due to the presentation of cumulative ZTVs. Instead of showing the full extent of visibility associated with each individual windfarm and illustrating where an overlap occurs the submission illustrates visibility of other windfarms within the theoretical visibility associated with Knowes only. The applicant's submission does not fully illustrate the full extent of windfarm visibility on the Igneous Hill LCT and the local landscape sub-units and this is a significant omission.

From my knowledge of dealing with other windfarms in the Ochils and reviewing the visibility associated with other windfarms (in particular Greenknowes, Lochelbank and Rhodders) on this LCT, it is clear that the Knowes proposal would result in windfarms becoming a key characteristic of this part of the Ochils. Resulting in a change to a windfarm landscape, rather than a landscape with windfarms contained within it.

Accordingly, the Environmental Statement overstates the capacity of this landscape character unit to accept windfarm development and the planning authority is of the view that cumulatively a significant and major effect will occur on the Igneous Hill LCT as it will erode the spatial separation between operational and consented windfarms.

The Strathearn and Strathallan Broad Valley Lowlands LCTs are located to the north of the Igneous Hill LCT. At this point the Ochil's northern spurs have been truncated by ice sheets thereby increasing the drama of the scarp and results in Craigrossie becoming a focal point within the hill range. Dispersed between the Broad Valley Lowlands LCT there are a number of Lowland Hills LCTs consisting of the Gask Ridge, Keillour Forest, the Bankfoot Hills and Knaik Hills. The juxtaposition between these LCTs and Igneous Hill LCT results in the Ochils appearing to be much higher than they are. As a consequence the hills are a dominant and imposing feature visible over long distances and form an important visual backcloth when viewed from Strathearn and the Gask Ridge.

Due to the location of Knowes on the northern edge of the Ochils the visibility to the north of the site is extensive as displayed in Knowes ZTV Figure 3.8 of the ES. This confirms that visibility consisting of 7-9 turbines would theoretically be visible over the majority of the Strathearn Broad Valley Lowlands LCT and extend into the Lowlands Hills LCT. Looking at Figure 3.6 and 3.7 it is clear that the extent of visibility between tip height and hub height is not significantly different.

The TLCA confirms that the development of tall structures on higher ground adjoining the valley could impact on the Strath. While I acknowledge that turbines at 81 metres are small in comparison to most modern turbines at 125 metres, they are

imposing and dominant that result in having an adverse impact on the character of the Broad Valley Lowlands LCT. Having reviewed Figures 3.14 to 3.20 (Figure 3.21 is no longer applicable as the Mull hill application was dismissed on appeal) the proposal will result in introducing windfarm visibility into part of the Broad Valley Lowlands LCT around Dunning which currently has no turbine visibility. While cumulatively there will be effects on the LCT from 5km to the north of the site with Lochelbank and as distance increases the cumulative effect increases with interaction between other windfarms in the Ochils coming into play such as Greenknowes, Burnfoot Hill and its approved extensions.

The planning authority disagrees with the findings in the ES. The proposed windfarm would have a significant and major effect on the Broad Valley Lowlands LCT. On its own there would be a significant effect particularly within 5km of the site. While out with 5km cumulative effects would erode the baseline of well-spaced windfarm developments that are visible from the LCT. The rationale in the ES at the top of page 17 that the inclusion of Knowes reduces the influence of the other windfarms on this LCT cannot be accepted.

Overall the impact on landscape character would not accord with the requirements of TAYplan Policy 3 or Policy 6. Furthermore the proposal does not comply with policy ER1A (1) or Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposal conflicts with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Scottish Natural Heritage published Strategic Locational Guidance for Onshore Wind Farms in Respect of the Natural Heritage in (March 2009) which divides Scotland into three zones. The application site lies within Zone 1 (covering 15% of Scotland's land area), which has the lowest natural history sensitivity to wind farms, at a broad scale. Within it, wind farms could be acceptable *"so long as they are undertaken sensitively and with due regard to cumulative impact"*.

Given the planning authority's assessment the application clearly fails to comply with this stipulation.

Visual Impact

Through adopted local plan policy ER1A there is a requirement 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.

The environmental statement assesses the visual impact of the proposed wind farm from 14 viewpoints in the surrounding area. It predicts a major and significant effect from Dunning vp 2, while nine viewpoints have a moderate but not significant effect:- the A90 vp 1, Aberuthven vp 5, St David's vp 6, Kinnoull Hill vp 8, Fowlis Wester vp 9, Keillour vp 10, Methevn vp 11, Crieff vp 12 and Innerdouny Hil vp13. The remaining viewpoints are considered to either be minor-moderate or negligible in the ES.

Viewpoints within 7Km

While the Planning Authority agrees that a major and significant effect occurs at Dunning vp 2 it is considered that the applicant underplays the significance of the effects on viewpoints at the A90 vp 1, Aberuthven vp 5, Forteviot vp 3 and Innerdouny Hil vp13.

- Viewpoint 1, A90, 6.1km.

This viewpoint is taken from the south of the carriageway close to the valley floor. It represents receptors travelling in a westerly direction on A90 which have just descended from the higher gask ridge which provides panoramic views across the Broad Valley Lowlands to the Igneous Hills.

The design of the windfarm in this view results in the most northerly turbines (not numbered by the applicant in their photomontage or wirelines) appearing as dominant structures siting on the top of the ridgeline. The design does not relate to the landform or other windfarm designs in the Ochils.

- Viewpoint 5, Aberuthven, 4.9km.

This viewpoint represents receptors from the settlement of Aberuthven and road users on the A90. There is foreground clutter from poor micro-siting.

When looking at the cumulative wireline associated with this viewpoint the Greenknowes windfarm forms a good comparator for the Knowes proposal. Only a few of the Greenknowes turbines are visible and they appear to be set behind the ridgeline which reduces the dominance of these turbines. On the other hand the design of Knowes windfarm distorts the perception of scale due to the relationship between the turbines as well as their interaction with the underlying landform. Although it is particularly hard to describe the effect (as the applicant has not numbered the turbines in the visualisations) it can be seen that the turbines located in the south of the site effectively accentuate the dominance of turbines to the front which sit on the northern ridgeline of the Igneous hills. This in turns results in Knowes windfarm competing with the original foci, Craigrossie Crag.

- Viewpoint 3, Forteviot, 7.0km

The siting of this viewpoint is particularly poor and has a significant amount of foreground clutter. During the site inspection it was noted that this could have been avoided easily by siting the viewpoint to the south of railway line on the road network to Forteviot. This would have provided unrestricted views towards the site. It would provide a better understanding of effects on receptors leaving Forteviot in a westerly direction, receptors travelling in a south-westerly direction on the B934 towards Dunning, residential receptors in this area as well as receptors travelling on the railway line.

From this viewpoint the turbines still remain dominant, skyline features. Turbines to the rear accentuate the turbines to the front.

- Viewpoint 13, Innerdouny Hil, 4.1km

Innerdouny hill is the only viewpoint submitted as part of the ES from within the Ochils. It represents recreational users that have a high sensitivity to change. In this case the Knowes farm has a cluttered image consisting of overlapping turbines and number of outliers.

The operational Greenknowes windfarm is particularly prominent from this viewpoint and the cumulative wireline submitted does not fully reflect the circumstance that receptors receive on the ground. It should also be noted that Burnfoothill and approved extensions would be visible from this viewpoint and they have not been incorporated into the wirelines. In terms of design there is a clear clash between the simple linear design of Greenknowes in comparison to Knowes cluttered design which results in a significant cumulative landscape and visual impact.

Viewpoints outwith 7km

Siting and Designing Wind Farms in the Landscape (2014) prepared by SNH, advises in Paragraph 4.11 that:

“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. In these cases, and if a landscape is not able to accommodate the scale of combined development, wind farm groups should appear clearly separate. It is critical to achieve a balance between wind farms and the undeveloped open landscape retained between them. Adequate separation will help to maintain wind farms as distinct entities. However, the separation distance required will vary according to the landscape characteristics.”

Knowes is located between Lochelbank windfarm by Glenfarg and Greenknowes windfarm Glendevon. To the west of Greenknowes is Burnfoothill windfarm and associated extensions with Braes of Doune in the Knaik Hills.

Ben Cleuch is a popular summit in the Ochils in Clackmannanshire. Due to the omission of a viewpoint in the ES Clackmannanshire Council objected to the application. While this objection has been withdrawn following the submission of material directly to that authority it should be noted that it has not formed part of the formal submission to support the ES or planning application allowing public scrutiny.

SNH advised in their consultation response that, *“The Knowes Farm Wind Farm proposal will be seen as a separate wind farm rather than an extension to any of the existing developments and as a result conflicts with existing development pattern in the Ochil Hills. When viewed from the north Knowes Farm will appear to sit between Greenknowes and Lochelbank and reduce the gap between wind farms by approximately half. In our view this will result in significant adverse cumulative landscape and visual impacts on the landscape character of the Ochil Hills, the views and visual amenity of residents, visitors and road users in Strath Earn and recreational users in the Ochil Hills”.*

From viewpoints outwith 7km cumulative effects with other turbines are of particular importance.

- Viewpoint 6, St David's - Lochelbank appears as groups of turbines. Knowes clustered. Greenknowes is linear in design.
- Viewpoint 8, Kinnoull Hill – Lochelbank groups of turbines predominantly in pairs. Knowes spaced cluster sitting in front of Greenknowes. Greenknowes is linear before turbines merge into a clump of grouped turbines grouped sitting behind Knowes.
- Viewpoint 9, Fowlis Wester – (Foreground clutter) Lochelbank spaced turbines. Knowes clustered and overlapping turbines. Greenknowes is linear.
- Viewpoint 10, Keilour – Knowes clustered and overlapping. Greenknowes linear. Burnfoot hill and extensions clustered with overlapping turbines.
- Viewpoint 11, Methven – Knowes grouped overlapping turbines. Greenknowes linear. Burnfoothill and extensions linear.
- Viewpoint 12, Crieff – (Foreground clutter) Lochelbank grouped turbines. Knowes grouped. Greenknowes linear.

From the assessment of the viewpoints above the planning authority agrees with SNH that the proposal would encroach onto the undeveloped open landscape between wind farms, upsetting the existing balance and design of the windfarms in the Ochils.

Settlements and Residential Receptors

No detailed assessment on individual residential receptors has been undertaken by the applicant. There are a number of individual properties within 2km of the site where theoretical visibility will occur. From my site inspections intervening screening to some properties will reduce visibility however there are some that are likely to suffer an impact which at present cannot be quantified including a care home. Notwithstanding the 2km threshold due to the sites context it is likely that residential receptors to the east of the site on elevated ground which have an outlook westwards are also likely to be affected, such as middle third and Wester Gatherleys.

With regards to settlements paragraph 190 of the SPP refers to a guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edge of towns, cities and villages, to reduce visual impact. However, this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography. Although Dunning is located 2.4km from the windfarm a major and significant effect occurs on this settlement.

Other settlements including Aberuthven, Forteviot, St David's, Keillour, Methven, Fowlis Wester, Almond Bank, Harrietfield, Scone will have full predicted theoretical

visibility as detailed in Table 3.10 of the ES. While limited or partial visibility occurs from Forgandenny, Perth, Muthill and Huntingtower at the distances involved the impact on these settlements would not be significant or sufficient enough to justify refusal of the application.

Roads

The A85 between Perth and Crieff provides panoramic views towards the Ochils as well as the Kniak hills. In clear weather Lochelbank Greenknowes, Burfoothill (and extensions) and Braes of Doune can be experienced from this route as well as smaller routes that cross towards Strathearn. The addition of Knowes would increase the cumulative effect on these routes but it is acknowledged that at the distances involved the effects will not be significant.

The windfarm would be prominent from the main arterial routes through Strathearn, especially for A90 when travelling south from the Gask ridge down into Strathearn until Aberuthven as well as receptors on the Glasgow to Perth railwayline.

The B9141 and B934 will experience a significant visual impact from the windfarm when travelling in a southerly direction to Dunning. I note that these are some of the main routes utilised by people commuting to and from the Village and undoubtedly the adverse effects experienced on these nodes would likely exacerbate the effects that residents would experience from the dominance of the windfarm in relation to the settlement of Dunning.

Quality of visualisations and images

Under the Landscape and Visual Impact heading the planning authority has already highlighted concerns with the presentation of the cumulative ZTV's as well as the micro-siting of viewpoint locations and the lack of a residential assessment for properties within close proximity to the site. However there are further shortcomings, the material does not accord with the Council's photography and visualisation guidance no single frame photographs have been provided, 70mm images are not included, images are not printed on a full page and no acetates are submitted. In addition the wirelines do not show the worst case scenario, the turbine blade is aligned with the tower which reduces the prominence of the turbine, instead the blade tip should be located at the highest point.

The Historic Environment, Cultural Heritage

There are a number of Scheduled Ancient monuments within the vicinity of the site. Gray Stone, standing stone 250m NNE of Knowes (Index No. 6297), Rossie Law, fort (Index No. 2976), Blaeberry Hill, deserted settlement (Index No. 9437), Ben Effray, fort (Index No. 3133). Consultation has been undertaken with Historic Scotland and while they have advised that an impact will occur on Rossie Law fort they are of the view that the fort will still be understood and appreciated therefore the effect is unlikely to be significant. With regards to Keltie Castle, category A listed building (HB No. 5912) they concur that there will not be a significant impact on this listed building.

HGDL's also fall within Historic Scotland's remit. The Gleneagles Historic Garden and Designed Landscape (HGDL) is outside the zone of theoretical visibility. However Invermay HGDL and the Dupplin HGDL will have visibility with the effect on these assets described as moderate and not significant in the ES.

Overall Historic Scotland has concluded that the development does not raise issues of national significance sufficient to warrant an objection for their historic environment interests.

Advice on cultural heritage issues, including potential impacts on unscheduled archaeology and category B and C listed buildings is provided by the Council's archaeological and conservation advisors.

Perth and Kinross Heritage Trust have recommended that a programme of archaeological work, including a walkover survey completing coverage of the whole site, be carried out to determine the presence/absence of archaeology on site. A Written Scheme of Investigation is also recommended to mitigate against any damage which may be caused to both known archaeological features and any features identified during the walkover survey. These two recommendations can be satisfactorily controlled by a planning condition.

The Council's conservation team have confirmed that there is no recognition or assessment of the potential impacts upon on the Dunning Conservation Area or the Category B listed Kippen House and consider this to compromise a significant omissions from the cultural heritage section of the environmental statement.

Natural Heritage and Ornithology

The development plan framework 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 Biodiversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

The development would not adversely affect an international nature conservation site or national designation. There is no adverse impact on local nature conservation or geological interest designations.

The windfarm would be located on moorland which has a variety of different habitat type including heather, scrub and wet flushes. This is provided suitable breeding opportunities for varied bird species. SNH recommend that mitigation measures identified in the ES would require to be applied to avoid potential disturbance and damage to nest sites during the bird breeding season. RSPB have no objection. The Council's biodiversity officer recommends conditional control. Taking this into account policies NE1A, NE1B, NE1C or NE3 would not preclude the granting of consent if suitable conditions are applied.

Water resources and Carbon Rich Soils

The principal risk to private water supplies is during construction. Environmental Health has advised that they have no significant concern regarding this matter subject to conditional control to maintain adequate and wholesome supplies.

SEPA Initially objected to the application due to lack of information on disturbance and reuse of excavated peat as well as concern with the sourcing of material from borrow pits and disruption to wetlands. Following the formal submission of Supplementary Environmental Information SEPA still maintained their objection as detailed in correspondence dated the 10/09/14 regarding the disposal of peat.

Further additional information was provided directly to SEPA and they have advised that this would alleviate their objection. While I acknowledge that the applicant has liaised directly with SEPA to alleviate their concerns resulting in the removal of the objection. It must be noted that the submission of the applicant's additional documentation has not been formally incorporated into the planning application and associated ES. Accordingly this information has not been open to public scrutiny and does not form part of the application or ES and constitutes a shortcoming.

Aviation and Telecommunications

The MOD has withdrawn its objection subject to conditional control being used to secure mitigation to ensure that the windfarm does not cause an unacceptable interference to the Meteorological Office Radar at Munduff Hill.

Shadow Flicker

Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents. In this case there are no properties located where shadow flicker would occur, see Fig 5.1. of the ES.

Noise

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.

Consultation with the Council's noise consultant has been undertaken and the initial assessment recommended the applicant be asked to provide the following further information:

- Revised turbine noise levels incorporating valley and barrier effects.

- Identification of all properties within the 35dB turbine noise contour (multiple properties at one location can be treated as one provided the number of properties is clearly identified).
- Confirmation that, in the event planning permission is granted, the applicant will accept ETSU-R-97 noise limits based on the average of quiet day and night measurements at Quilts at all properties. Confirmation that the applicant will accept a lower limit of 37dB both day and night at properties without a Financial Involvement.
- Justification for either of the two properties at Knowes Farm to be treated as FI and an assessment of these two properties. 1.7 Pending clarification of the points in 1.6 above I consider that the scheme is likely to meet ETSU-R-97 provided there is a genuine Financial Involvement at the two Knowes Farm properties but I think there will be a major loss of amenity at between 8 and 20 properties.

Given the Planning Authority's stance on the landscape and visual impact of the scheme did not formally request the submission of additional noise information. However, the applicant supplied several batches of information to provide clarity on the above points. The Council's noise consultant has reviewed this information and has confirmed that the majority of the points have been dealt with however concern remains regarding the financial involvement of occupiers at Knowes Farmhouse and Knowes Cottage remains with the noise consultant referring to a recent Judicial Review (*R(oao Joicey) v Northumberland County Council*) handed down on the 07th November 2014.

To resolve the concerns the applicant's agent has suggested that a link between the windfarm and the occupation of these two dwellings (to secure financial involvement) could be controlled by Planning Condition. Having reviewed Circular 4/1998 on conditions the planning authority has concerns whether a condition could secure sufficient control. Given the circumstances a legal agreement could provide security but there is no requirement to dwell on this point due the recommendation on this scheme.

Contribution towards meeting Carbon Reduction Targets.

The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 7.65MW with the development producing enough electricity to meet the needs of up to 4,274 households per year. This would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020.

The production of electricity from this source will also offset emissions from electricity produced by fossil fuel leading to a reduction in greenhouse gas emissions. The ES suggests that this would contribute to emission reductions of upto 8,644 tonnes of CO₂ a year and therefore contribute 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.

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.

Electricity Transmission/Grid Connection.

The ES advises that the wind farm will connect into the existing grid infrastructure in the area by using underground cables although no connection point is specified. It would have been useful to understand the grid connection location at this point in time and consider the effects of that infrastructure in this assessment under Policy ER1A (c).

Transport Implications

The construction of Knowes would result in the local community served by the A977, A823 and B934 between the M90 trunk road and the site being subjected to inconvenience and disruption from construction traffic. The impact of construction traffic is a significant concern to residents and road users as sited in letters of representations.

While the concern is acknowledged and understandable, part of the function of the public road is to facilitate approved developments on sites which are served by it. Conditional control could be secured and this would assist in minimising the adverse impact on road users, consequently the development is not considered to be in conflict with local development plan policy TA1B.

Economic Impact

The Glasgow Caledonian study on tourism and windfarm notes that loss of value occurred where there was a basic intrusion into the landscape. This occurs with this application on its own and cumulatively.

The general economic benefits associated with wind farms are detailed in the applicant's submission. Although they have not been quantified 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 of some substance as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc for the duration of the construction period.

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*. Taking this into account the green energy contribution, pollution reductions and economic benefits of the development do not outweigh the

significant adverse effects on local environmental quality that have been identified in this report.

Application Processing Time

The recommendation for this application has been made out with the statutory determination period.

Conclusion

Section 25 of the Act requires the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

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, relevant appeal decisions in the Ochil's along with representations made both in support and in opposition to the proposal.

There are no overriding problems in relation to the natural heritage interests for the area and it is likely appropriate noise levels could be secured. 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 but this is limited. An element of economic benefit during construction, operation and decommissioning will occur but these have to be offset against the presence of the windfarm which has a significant and unacceptable adverse landscape and visual impacts on its own and cumulatively. The concerns on cumulative landscape and visual impacts are supported and reinforced by SNH's consultation response.

Accordingly it is recommended that the application is refused as the proposal is contrary to the Development Plan and there are no material considerations of significant weight that would lead to a different conclusion. Notwithstanding this the shortcomings in the Environmental Statement and lack of information identified in the appraisal also lead to a recommendation of refusal.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

Under the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

RECOMMENDATION

Refuse the application for the following reasons

- 1 That by virtue of the location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 of TAYplan and Policies ER1A (a), ER6 (a)(b) of the Perth and Kinross Development Plan.
- 2 That by virtue of the location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a)(b)(f) of the Perth and Kinross Development Plan.
- 3 That by virtue of the location, prominence, scale and layout of the proposed wind farm and its relationship to other wind turbine developments in the area the proposal would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A (a)(h), ER6 (a)(b) of the Perth and Kinross Development Plan.
- 4 The Environmental Statement fails to assess; the impact on the Dunning Conservation Area and certain listed buildings as well as the impact on residential receptors in close proximity to the site including a care home. The submission fails to adhere to Perth and Kinross Council guidance on the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, additionally information associated with peat and effects on receptors on Ben Cleuch have not been incorporated into the Environmental Statement or planning submission allowing public scrutiny. As a consequence the full extent of the development impacts in terms of the magnitude and complexity of those impacts; the probability of those impacts; and the duration, frequency and reversibility of the impacts of the whole scheme has not been provided and consequently cannot be considered which constitutes lack of information.

Justification

- 1 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.

Informatives

N/A

Procedural Notes

None

PLANS AND DOCUMENTS RELATING TO THIS DECISION

Not applicable

Date of Report 15.12.2014