

**TCP/11/16(340)**

**Planning Application 14/00627/FLL - Erection of wind turbine and associated infrastructure, land 650 metres north west of Innernyte Farm, Kinclaven**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 349-442, and further information)*



# PERTH AND KINROSS COUNCIL

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Date 29th October 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/00627/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 6th May 2014 for permission for **Erection of wind turbine and associated infrastructure Land 650 Metres North West Of Innernyte Farm Kinclaven** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the proposed scale of the turbine would not be absorbed by the existing landscape framework surrounding the site, which in turn will lead to the turbine becoming a dominant feature within the landscape which would have a significant adverse impact on the visual amenity and landscape character of the area, the proposal is contrary to Policy 6 of the Tay Plan 2012 and Policies ER1A and ER6 of the adopted Local Development Plan 2014, all of which seek to ensure that all new developments do not have a significant impact on existing landscapes.
2. As the proposal would have an adverse impact on the setting of a Listed Building, the proposal is contrary to Policy 3 of the Tay Plan 2012 and Policy HE2 of the adopted Local Development Plan 2014 both of which seek to protect the settings of Listed Buildings from inappropriate developments.

- 3 As this proposal would not preserve the setting of a Listed Building, a recommendation to approve this application would be contrary to the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority shall have special regard to the desirability of preserving the setting of a listed building.
- 4 As the proposal would have an adverse impact on the setting of a Listed Building, the proposal is contrary to guidance offered in the Scottish Planning Policy (2014) and the Scottish Historic Environmental Policy (2011), both of which promote the protection of Listed Buildings and their settings from inappropriate developments.
- 5 As the proposal would have an adverse impact on the carefully planned landscaped view from within an Historic Garden and Designed Landscape (HGDL), the proposal is contrary to Policy HE4 of the adopted Local Development Plan, Policy 3 of the Tay Plan 2012 and guidance offered in the Scottish Planning Policy (2014), all of which seek to protect HGDL from inappropriate developments.
- 6 The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

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

### **Plan Reference**

**14/00627/8**

**14/00627/9**

**14/00627/10**

**14/00627/11**

**14/00627/12**

**14/00627/13**

**14/00627/14**

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## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	14/00627/FLL	
Ward No	N5- Strathtay	
Due Determination Date	05.07.2014	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of wind turbine and associated infrastructure

**LOCATION:** Land 650 Metres North West Of Innernyte Farm, Kinclaven

#### **SUMMARY:**

This report recommends **refusal** of a detailed planning application for the erection of a 67m (tip height) wind turbine at Kinclaven as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 15 July 2014

#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site relates to an area of farm land at Innernyte Farm, a small farm located approx. 3km north of Stanley and 0.2km east of a woodland area known locally as Taymount Wood.

Approx. 2km to the south east of the site is 'Stobhall', a category 'A' listed building - the grounds of which are designated as a Historic Garden and Designed Landscape.

A detailed planning application for the erection of larger 88.5m turbine, with a 65m hub height was refused planning consent last year on the grounds that the proposal would have an adverse impact on the both the visual amenity of the area and on the landscape character of the area and that the proposal would have an adverse impact on the setting of an 'A' listed building ('Stobhall').

This planning application relates to a modified proposal which seeks to obtain a detailed planning permission for a smaller turbine on the same site as the previously refused turbine. The turbine now under consideration is approx. 67m in height to its blade tip, with a reduced hub height of approx. 40m. The turbine will again be of the three blade variety. In addition to the turbine itself,

a small ancillary control building is also proposed and there may also be the need for a small borrow pit for obtaining aggregate and a new section of access track.

## **PROCEDURAL MATTERS**

### **Screening Opinion**

A Screening Opinion has been carried out by the Council which concluded that the proposal was not an EIA development

### **Additional Information**

Although a formal EIA was not required, the applicant has nevertheless opted to lodge a LVIA assessment which included a series of ZTVs, wirelines and photomontages to help demonstrate the likely impact that the turbine will have on the visual amenity of the area and on the landscape. A series of background reports also accompany the planning application.

## **SITE HISTORY**

A previous detailed planning application on the same site for a larger turbine (85m tip) was refused planning permission in 2013 (13/00860/FLL). That planning application was refused planning permission for the following reasons,

- 1 *As the proposal will result in an adverse impact on the visual amenity and landscape character of the area, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (incorporating Alteration no1, Housing Land 2000) which seeks to ensure that all new developments have a good landscape framework and will not adversely impact on the amenity of existing areas.*
- 2 *As the proposal will potential have an adverse affect on the residential amenity presently enjoyed by neighbouring residential properties, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new proposals are compatible with existing land uses.*
- 3 *As the proposal would have an adverse impact on the setting of a Listed Building, the proposal is contrary to Policy 3 of the Tay Plan 2012, Policy 23 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) and Policy HE3 of the Proposed Local Development Plan 2012, all of which seek to protect the settings of Listed Buildings from inappropriate developments.*
- 4 *As this proposal would not preserve the setting of a Listed Building, a recommendation to approve this application would be contrary to the*



*requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority shall have special regard to the desirability of preserving the setting of a listed building.*

- 5 As the proposal would have an adverse impact on the setting of a Listed Building, the proposal is contrary to guidance offered in the Scottish Planning Policy (2010) and the Scottish Historic Environmental Policy (2011), both of which promote the protection of Listed Buildings and their settings from inappropriate developments.*
- 6 As the proposal would have an adverse impact on the carefully planned landscaped view from within an Historic Garden and Designed Landscape (HGDL), the proposal is contrary to Policy 17 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) and guidance offered in the Scottish Planning Policy (2010), both of which seek to protect HGDL from inappropriate developments.*
- 7 The approval of this proposal could establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the Councils established relevant Development Plan policies.*

## **PRE-APPLICATION CONSULTATION**

General advice was offered to the applicant prior to the re-submission which stated that it was the view of the Council that this site was not appropriate for wind energy developments.

## **NATIONAL POLICY AND GUIDANCE**

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

Of specific relevance to this proposal are,

### **Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect the 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.

The following sections of SPP are of particular importance in the assessment of this planning application:-

- Paragraphs 24 – 35. which relate to Sustainability
- Paragraphs 74 – 83, which relate to Promoting Rural Development
- Paragraphs 135 – 151, which relate to Valuing the Historic Environment
- Paragraphs 152 -174, which relate to Delivering Heat and Electricity
- Paragraphs, 193 -218 which relate to Valuing the Natural Environment

### **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PAN) are relevant to this planning application,

- 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

### **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:

- develop 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.
- involve 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.

## **Scottish Historic Environmental Policy 2011**

This document produced by Historic Scotland offers guidance to Planning Authorities on dealing with planning applications which affect listed buildings (and their settings) and Historic Gardens and Designed Landscapes.

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

#### **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. This policy also seeks to protect the cultural assets of the area, including our listed building (including their settings) and HGDL.

#### **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 2014 – Adopted 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.

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

#### **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 adaption.

### **Policy HE1 - 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.

### **Policy HE2 – Listed Buildings**

This policy seeks to ensure that listed buildings and their settings are not adversely affected by inappropriate new developments.

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

Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes.

### **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 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 ED3 – Rural Business and Diversification**

Identifies favourable support for the expansion of existing businesses in rural areas.

### **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 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 COUNCIL POLICIES**

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

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

## **OTHER RELEVANT GUIDANCE**

### **Tayside Landscape Character Assessment 1999**

The landscape area in which the turbine is located is defined within the TLCA as being one of a Lowland River Corridor landscape character type. Within the TLCA it is stated that within the lowland river corridor area the effect of tall structures on higher ground, which are visible from lower areas, should be carefully considered.

## **RELEVANT LEGISLATION**

### **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Act**

Section 59 of this act requires the Council (when exercising its planning function) to have special regard to the desirability of preserving Listed Buildings or their settings.

## **CONSULTATION RESPONSES**

**Stanley And District Community Council** have commented on the planning application and raised an objection based on the potential impact that the proposal would have on the visual amenity and landscape of the area.

**Historic Scotland** have commented on the planning application and raised an objection to the proposal on the grounds that the proposal will have an adverse impact on the setting of 'A' listed building and its associated Historic Garden and Designed Landscape.

**National Air Traffic Services** have been consulted on the planning application and has raised no objections.

**Ministry Of Defence** has been consulted on the planning application and has raised no objections.

## **INTERNAL COUNCIL CONSULTATIONS**

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

**Perth and Kinross Area Archaeologist** has commented on the planning application and has raised no objection.

**Environmental Health** have commented on the planning application and raised no objections, subject to conditions.

**Access Officers** have commented on the planning application and raised no objections, subject to conditions.

**Bio-diversity Officer** has made no specific comment on the proposal.

## **REPRESENTATIONS**

119 letters of representations have been received, all objecting to the proposal. The main issues raised within the representations are.

- Proposal is contrary to the Development Plan
- Impact on visual amenity
- Impact on the landscape of the area
- Impact on the setting of 'Stobhall' and its associated HGDL
- Impact on residential amenity
- Setting a precedent for future turbines

These issues are addressed in the main section of the report.

## ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Carried out by the Council which concluded that the development was not an EIA proposal.
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	LVIA assessment has been submitted in addition to background reports.

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, this principally includes consideration of national planning guidance, consideration of the guidance offered in the TLCA and acknowledgement of the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Act.

### Policy Appraisal

In terms of Policy issues, both the Tay Plan and the Local Development Plan contain policies which are applicable to this proposal.

*Policies 3 and 6 of the Tay Plan 2012 are directly applicable to this proposal as are Policies ER1A (Renewals), PM1A (Placemaking), ED3 (Rural Development), NE3 (Biodiversity) EP5 (pollution), EP8 (pollution), ER6 (landscape), HE1 (archaeology), HE2 (listed buildings) and HE4 (HGDL) of the Local Development Plan 2014.*

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

*Policy ER1A* of the Local Development Plan offers general support for renewable proposals providing they are in suitable locations which will not adversely affect the existing environment whilst *Policy ER6* states that new proposals will only be supported when they do not conflict with the landscapes qualities of the surrounding land.

*Policy PM1A* seeks to ensure (amongst other things) that all new developments contribute positively to the natural and built environment, whilst *Policies EP5 and EP6* seek to ensure that new proposals do not create an unacceptable level of noise or light pollution.

*Policy ED3* of the Local Development Plan offers favourable support for the expansion of existing businesses in rural areas, whilst *Policy NE3* seeks to protect and enhance existing wildlife and their habitats - regardless of whether they are statutory protected or not.

Lastly, *Policies 3 of the Tay Plan, and Policies HE1, HE2 and HE4* of the Local Development Plan all seek to ensure that our cultural heritage assets (and their settings) are not adversely affected by inappropriate new developments.

Accordingly, based on the above, I ultimately consider the key policy issues for this proposal to be:-

- a) whether or not the proposal (by virtue of its siting and height) will have an unacceptable impact on the landscape / visual amenity of the area,
- b) whether or not the proposal is compatible with existing, surrounding land uses and,
- c) whether or not there will be an adverse impact on any protected species / habitats or local wildlife
- d) whether or not the proposal will have an impact on the setting of an 'A' listed building and its associated HGDL

For reasons stated below, I consider the proposal to be inconsistent with Council policy, namely in respect of points a) and d).

### **Landscape / Visual Impact**

In terms of the impact that the development will have on both the local landscape and the visual amenity of the area, there is no doubt that this proposal will have less of an impact than the larger turbines (80m+) which are being proposed across Perth and Kinross and indeed, less of an impact than the previously proposed turbine - which was approx. 85m to its blade tip.



However, this alone is not a reason for approving the planning application, so an assessment of the proposal's likely visual and landscape impacts in isolation (and cumulatively) is necessary.

### Landscape Impact

In terms of renewable developments, *Policy ER1A* of the Local Development Plan key objective is to protect existing landscapes and in terms of wind turbines, this would mean resisting renewable developments within the landward area if the proposal would have an adverse, negative impact on the landscape of the area concerned.

The size of proposed turbine at over 60m is large and there is no doubt in my mind that this size of commercial 'machine' has the potential to have a significant adverse impact on the character of the landscape of the area. The location of the proposed turbine is within the Tay valley corridor, which is typically considered to be the lowland areas which flank the River Tay.

Whilst the Tay valley corridor is not specifically protected by any landscape designation, in my view that the area does have high amenity value not only for its residents, but from reading some of the comments made within the representations; it also has a high amenity value to the frequent visitors to the local area.

However, in considering the likely impact that the proposal would have on the local landscape, it is useful to consider the contents of the Tayside Landscape Character Assessment (TLCA). Within the TLCA the application site lies within the River Tay Corridor, which falls into the Lowland River Corridor landscape type classification.

The TLCA states that in relation to tall structures, with the exception of the lines of pylons that cross Glen Almond at two points, this landscape character type is relevantly free from tall structures – and in the most part, this remains the case. The TLCA also goes on to say that there is unlikely to be significant pressures from developers in relation to wind energy proposals. However, the TLCA does say that when proposals (for wind energy) do come forward, the effect that these proposals would have on the landscape should be carefully considered.

This position is also echoed in the text of *Policy EP6* of the Local Development Plan which states that new proposals, which existing landscapes, must not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas.

To this end, the key issue for this proposal is therefore whether or not the introduction of a 67m structure would result in an adverse impact on the landscape of the area.

However, it must be noted that the local landscape on which the turbine is located not protected by any specific local, regional or national designations,

and whilst it may have a high (visual) amenity value for the local community and visitors, it is not of an exceptional quality in landscape terms. Within the local area, the natural landscape has already been altered by the influence of some man-made developments (such as small telephone / electricity poles etc) and there is perhaps an argument to be made that this proposal would just be another stage in the evolution of this landscape. I'm also conscious of the fact that the wider area has been subject to wind energy developments (such as at Stewart Tower) with some already implemented and others proposed.

The impact that a proposal has on a landscape is regrettably an extremely subjective matter, with often a fine line being drawn between a proposal having an adverse impact and a proposal simply changing the appearance of the landscape. However in this case, I consider the proposal to impact on the character on the local landscape to such a degree that it would result in an adverse impact which would be to detriment to the landscape character of the area. The introduction of a large commercial machine into the small scale valley (in terms of landscape size) will have a marked impact which would undoubtedly change the character of the landscape dramatically - and I note that this view is shared by the majority of the 119 who commented on the planning application.

### Visual Amenity

Assessing the potential impact on the existing visual amenity is again an area which is an extremely subjective matter, particularly as everyone has their own idea of what they consider to be a pleasant environment with attractive vistas. To this end, and to enable an assessment of the likely impact on the visual amenity of the area, the applicant submitted supplementary information in the form of a series of ZTVs, wireframes and visualisations from a number of selected viewpoints which they hoped would demonstrate the likely visual impact that the development would have.

This information was also useful in assessing the landscaping impact.

Visualisations were taken from the Kirk O Muir and Stobhall ( 'A' listed buildings), Inchtuthill Roman Fortree, Woodhead, Menni Cairn, Balhomie Cup marked stone and Campsie Hill (all scheduled monuments), Ballathie House Hotel (a listed building) and also from the HGDL associated with Stobhall.

In addition to this, three other viewpoints from surrounding roads were included (viewpoints J, K and L).

Whilst I fully accept that visualisations such as photomontages are normally considered to be additional information which needs to be carefully read in conjunction with the formal scaled plans etc; they are nevertheless extremely critical (and useful) tools in assessing the likely impact that these large man-made structures will have.

The visualisations which have been prepared ultimately support my view that the introduction of a 67m turbine in this lowland landscape will have a significant adverse impact on the visual amenity of the area, as well as the on the landscape character of the area. Whilst I note that the applicant has included a number of viewpoints to try to demonstrate that the proposal will not have an adverse impact on the rich cultural heritage of the area, it is clear from the visuals that the proposal will have an impact on the visual amenity associated with 'Stobhall' and will clearly adversely affect the views from the main building and from the HGDL which is directly associated with the 'A' listed building of national importance.

The visuals which have been produced from the local roads do not in my view offer a realistic impression of how prominent the turbine will be from the surrounding local roads particularly from the busy A93 - which runs from Perth to Blarigowrie and also the C406 - which runs between Stanley and Kinclaven. Whilst it would be unrealistic to ask the applicant to produce a motion visual along sections of public roads, it is reasonable clear after visiting the local area that the turbine would be far more visual and prominent than what is suggested in the applicant's submission.

To this end, I am reasonably confident that there is sufficient evidence before me to demonstrate that this scale of turbine, in this location is ultimately unacceptable from both a landscape and visual perspective.

### **Impact on Cultural Assets**

Within the surrounding area, there are a number of scheduled and unscheduled archaeology sites as well as a number of listed buildings. However, the key impact on existing cultural assets is the impact that the proposal may have on the setting of 'Stobhall'.

The proposed turbine is approx. 2km away north-west of 'Stobhall', which is a Category 'A' listed building. The associated grounds of 'Stobhall' is also designated a Historic Garden and Designed Landscape.

Historic Scotland have been formally consulted on this application and have subsequently made some detailed comments on the application. Whilst Historic Scotland accept that the height of the turbine has been reduced from the previous proposal, the combination of the location of the turbine and its commercial scale height will result in a proposal which would have an adverse impact on the important views out from 'Stobhall' itself and from the associated garden ground. This scenario would ultimately have an adverse impact on both the setting of the listed building and the HGDL.

In addition to this, the proposed turbine will introduce a prominent, distracting element into the landscape which in turn will dominate and distort the scale of the carefully planned view(s) from 'Stobhall' and its grounds. To this end, it is my view that the proposal will have an adverse impact on the setting of the

listed building and on the cultural character of its setting which is associated with the designed garden.

### **Compatibility with Existing land uses**

In terms of the compatibility with existing land uses, I have no concerns regarding the impact that the turbine will have on the commercial activities of the land. In terms of the impact on any existing residential properties, it is noted that the closest residential properties are approx. 0.4km from the site. My Environmental Health colleagues have commented on the proposal and have raised no concerns regarding noise related issues.

### **Protected Species / Habitats**

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

### **Other Material Issues**

#### *Shadow Flicker*

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

#### *Aviation Lighting*

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

#### *Noise*

With regard to noise, I note there are a number of residential properties within the vicinity of the site (the closest one approx. 0.4km away), however my EHO colleagues have raised no concerns regarding this proposal. I therefore do not consider noise to be issue.

#### *TV reception*

An appropriately worded condition will be attached to the consent which will provide mitigation measures for any person(s) affected directly by this proposal.

### *Road / Access Issues*

My road colleagues have commented on the proposal and have raised no objection.

### *Health & Safety*

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

### *National Guidance*

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

### **Developer Contributions**

The Developer Contributions Guidance (in relation to both Education and Transport Infrastructure) is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

It is unlikely that the turbine will have any significant economic impact on the local area. However, it is accepted that the turbine would have an economic benefit to the applicant.

### **Conclusion**

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan, and on that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application for the following reasons,**

- 1 As the proposed scale of the turbine would not be absorbed by the existing landscape framework surrounding the site, which in turn will lead to the turbine becoming a dominant feature within the landscape which would have a significant adverse impact on the visual amenity and landscape character of the area, the proposal is contrary to Policy 6 of the Tay Plan 2012 and Policies ER1A and ER6 of the adopted Local Development Plan 2014, all of which seek to ensure that all new developments do not have a significant impact on existing landscapes.
- 2 As the proposal would have an adverse impact on the setting of a Listed Building, the proposal is contrary to Policy 3 of the Tay Plan 2012 and Policy HE2 of the adopted Local Development Plan 2014 both of which seek to protect the settings of Listed Buildings from inappropriate developments.
- 3 As this proposal would not preserve the setting of a Listed Building, a recommendation to approve this application would be contrary to the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority shall have special regard to the desirability of preserving the setting of a listed building.
- 4 As the proposal would have an adverse impact on the setting of a Listed Building, the proposal is contrary to guidance offered in the Scottish Planning Policy (2014) and the Scottish Historic Environmental Policy (2011), both of which promote the protection of Listed Buildings and their settings from inappropriate developments.
- 5 As the proposal would have an adverse impact on the carefully planned landscaped view from within an Historic Garden and Designed Landscape (HGDL), the proposal is contrary to Policy HE4 of the adopted Local Development Plan, Policy 3 of the Tay Plan 2012 and guidance offered in the Scottish Planning Policy (2014), all of which seek to protect HGDL from inappropriate developments.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

14/00627/1 - 14/00627/17 (*inclusive*)

**Date of Report 24.10.2014**

