

Perth and Kinross Council
Planning and Placemaking Committee – 13 March 2024
Report of Handling by Strategic Lead – Economy, Development & Planning
(Report No. 24/76)

PROPOSAL: Erection of a wind turbine (up to 2.3 MW), formation of access track, hardstanding and construction compound, and associated works

LOCATION: Simon Howie Butchers, Findony Farm, Dunning, Perth PH2 0RA

Ref. No: [23/01665/FLL](#)

Ward No: P7- Strathallan

Summary

This report recommends approval of the application. The development is not considered to fully comply with the relevant provisions of the Development Plan however there are material considerations apparent which outweigh these minor departures from the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of a wind turbine and associated works on land at Findony Farm, Dunning. The turbine would be a maximum of c.104m to blade tip, have a hub height of c.69m and a generation capacity of up to 2.3MW.
- 2 The site is in the corner of a field used for grazing livestock associated to Findony Farm. That siting some 270m southwest of the Simon Howie Butchers factory, south of Dunning and around 550m from the southern edge of the Dunning Conservation Area. Access would be off the B934, via the factory site/Findony Farm. A hardstanding area of 45 m x 65 m and a 72m long section of access track, as well as a hardstanding/crane area are also proposed. Around 170 metres of existing access track will also be upgraded. A site compound is also proposed in the northeast part of the site.
- 3 The wind turbine is proposed to essentially be co-located and work in partnership with recently installed solar panels. The supporting statement states that the aim of the applicant is to reduce carbon emissions by 500 tonnes per year. An allowance for deviation from the exact position is proposed 'micrositing' and discussions have confirmed that this would be limited to a 10m radius, if required.

- 4 The proposed turbine is an Enercon E70 E4 2.3MW machine with a 69m hub height and a 70m rotor diameter, giving the total maximum height of 104m. The proposed colour finish is semi-matt pale grey.
- 5 It is noted that discussions are ongoing with Scottish and Southern Electricity Networks, with regard to how the project would connect to the National Grid.

Pre-Application Consultation

- 6 Pre-application Reference: None.
- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 8 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 7: Historic Assets and Places
- Policy 11: Energy
- Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2

- 10 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and*

economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

11 The principal relevant policies are:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 15: Public Access
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 28A: Development within Conservation Areas
- Policy 33: Renewable and Low-Carbon Energy
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Airfield Safeguarding](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)
- [Conservation areas](#)
- [Planning Guidance - Ancillary & Annex Accommodation](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

- 12 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 14 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 15 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

SITE HISTORY

- 17 [05/02043/FUL](#) Planning permission was approved on 17 March 2006 for a new reception area, offices and production area at the factory.
- 18 [13/01131/FLL](#) Planning permission was approved on 31 July 2013 for the installation of solar PV panels at the factory.

- 19 [13/01282/FLL](#) Planning permission was approved for alterations and extension to existing factory butchery building on 19 November 2013.
- 20 [16/02139/FLL](#) Planning permission was approved on 16 February 2017 for the extension to the factory building.
- 21 [17/00031/FLL](#) Planning permission was approved on 17 March 2017 for an agricultural building.
- 22 [17/00032/FLL](#) Planning permission was approved on 17 March 2017 for an agricultural building.
- 23 [22/01925/FLL](#) Planning permission was approved on 18 January 2023 for the installation of a ground mounted solar array.
- 24 [23/00880/SCRN](#) A screening opinion was requested and issued on 15 June 2023 by Perth and Kinross Council, advising that a proposed wind turbine was not EIA development and an Environmental Statement was not required.
- 25 [23/01409/FLL](#) Planning permission was approved for the erection of a switch room on 12 October 2023.

CONSULTATIONS

- 26 As part of the planning application process the following bodies were consulted:

External

- 27 **Historic Environment Scotland** - No objection. Advise that the proposal appeared to have the potential to impact on historic assets including 7 Scheduled Ancient Monuments, St Serf's Church – Listed Building and Invermay Garden and Designed Landscape. This potential was, in the HES view, not sufficiently considered in the Supporting Statement. However HES subsequently carried out an assessment and concludes that the development may not affect the integrity of the setting of the monuments to such a degree as to raise issues of national interest and as such do not object.
- 28 **Perth And Kinross Heritage Trust** - No objection. Advise that the site is archaeologically sensitive. A condition is requested requiring a programme of archaeological works prior to commencement of development.
- 29 **Dunning Community Council** - Object. Consider the development is not supported by NPF4, LDP2, PKC's Renewable and Low Carbon Energy Draft Supplementary Guidance, or the PKC Dunning Conservation Area Appraisal. Particularly that: there are no socio-economic impacts for the local community; impact on the Dunning Conservation Area and other historic assets; that the proposals are EIA development; community consultation should have been undertaken; drainage and water supply concerns; impact on telecommunications and broadcasting signals; shadow flicker; noise; ability of the road network to

allow the turbine to be delivered; impact on the core path; wider visual impacts; adverse impact on tourism; period of time until decommissioning unclear; impact on neighbouring Council areas from transportation; concerns that other energy projects may result; light pollution; aircraft safety; refusal of planning application 15/00596/FLL, which proposed a turbine south of Glenfarg; and cumulative impact from development at Findony Farm.

30 **Dundee Airport Ltd** - No objection. Advise the development would not infringe the safeguarding criteria and operation of Dundee Airport.

31 **Edinburgh Airport Ltd** - No objection. Advise that the development, if not controlled by conditions, could conflict with safeguarding criteria. Conditions required with regard to the an Instrument Flight Procedure (IFP) Assessment.

32 **Civil Aviation Authority** - No comments.

33 **National Air Traffic Services** - No objection. Advise the proposal does not conflict with NATS safeguarding criteria.

34 **Ministry Of Defence** - No objection, subject to conditions relating to aviation lighting and aviation charting and safety management.

Internal

35 **Community Greenspace** - No comments.

36 **Development Plan Team** - Policy advice provided.

37 **Conservation Officer** - Raise concerns that there would be potentially significant impact on the historic environment, and this would require to be outweighed by other material considerations.

38 **Environmental Health (Noise)** - No objection. After significant discussion with the Agent to clarify various matters various conditions are recommended relating to noise and shadow flicker.

39 **Biodiversity/Tree Officer** - No objection, subject to conditions.

40 **Development Contributions Officer** - No comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.

41 **Structures And Flooding** - No objection, following receipt of further information.

42 **Transportation And Development** - No objections, subject to conditions relating to visibility splays, turbine delivery access and clarification on construction phase parking.

Representations

- 43 102 representations were received. 79 objecting to the proposal. Including the objection from the Dunning Community Council. The issues raised within the representations are:
- Visual impact
 - Design – out of scale
 - Impact on conservation area, scheduled ancient monuments and settings of listed buildings
 - Impact on residential amenity – noise, shadow flicker, too close to village
 - Impact on health
 - Downplaying impact and inaccuracies in the heritage assessment
 - Impact on users of the core path and recreational routes
 - Road safety – access and construction issues
 - Lack of consultation
 - Contrary to Development Plan
 - Light pollution from MoD lighting requirements
 - Impacts many people – not justified
 - Shortcomings in LVIA
 - Shortcomings with Noise Assessment – no background noise measurements
- 44 The Dunning Community Council objected to the proposals expressing concern with the scale and location close to the village and the impact on the Conservation Area, Scheduled Monuments and other cultural heritage assets as well as the impacts on residential amenity from noise and shadow flicker. Concern was expressed about the impact on local core paths and on road safety. Whilst supporting the applicant’s desire to reduce the carbon footprint of his business they considered that the proposal brought no local or community benefits to the village and was contrary to the Development Plan.
- 45 The material planning considerations raised are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Supporting statement submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none"> • Drainage Impact Assessment • Ecological Impact Assessment

APPRAISAL

46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

Principle

- 47 Both national Planning Framework (NPF4) policies and Local Development Plan 2 (LDP2) policies apply except where they are not compatible in which case NPF4 policies prevail.
- 48 NPF4 Policy 1, Tackling the Climate and Nature Crises outlines that all development proposals will be given significant weight when considering the global climate and nature crises. Policy 2: Climate mitigation and adaptation also supports climate mitigation proposals including to reduce emissions.
- 49 NPF4 Policies 3, Biodiversity, and 4, Natural Places and LDP Policies 38, Environment and Conservation and Policy 41, Biodiversity all protect biodiversity and natural assets, which in turn play a role in carbon reduction.
- 50 NPF4 Policy 4(a); and LDP2 Policy 3, Landscapes and NPF4 Policy 11(e)(ii) all require assessment of landscape and visual impacts on local landscape designations, such as the Ochil Hills, and the impact on the setting of Dunning village. A Landscape and Visual Impact Assessment (LVAI) has been submitted with the application.
- 51 NPF4 Policy 7, Historic Assets and Places, as well as LDP policies with regard to cultural heritage (Policies 26, Scheduled Monuments and Archaeology, Policy 27A Listed Buildings and Policy 28, Development in Conservation areas) require development to respect the historic environment. An assessment of 'Cultural Heritage and Archaeology' has been included in the Supporting Statement (Section 6).
- 52 The site currently largely comprises agricultural land and as such LDP2 Policy 50 and NPF4 Policy 5(b): Prime Agricultural Land should be considered. However the soils in question are identified as Class 3.2 within the Land Capability for Agriculture map therefore are not 'prime'.
- 53 LDP2 Policy 51 and NPF4 Policy 5(a), Soils, are also relevant. Again as the soils are non-prime, but still good quality some mitigation will be required.

- 54 Policies relating to energy/renewable energy are particularly relevant. NPF4 Policy 11, Energy is strongly supportive of renewable energy developments including onshore wind energy. 11a specifically states support for all forms of renewable technologies. Whilst 11e notes that proposals will demonstrate how impacts on a range of factors are addressed through project design and mitigation. Then also notes that *'significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets'*.
- 55 LDP Policy 33D Renewable & Low Carbon Energy - Spatial Framework for Wind reflects the previous and now superseded Scottish Planning Policy (SPP). It identifies that the proposal falls within what was considered a Group 2 area, in falling within the 2km community consideration buffer. This however did not preclude wind energy development from taking place, rather it identifies potential constraints that require further detailed consideration.
- 56 LDP2 Policy 33a and NPF4 Policy 11e i: consider 'Residential Amenity'. In response an assessment of potential impacts on residential amenity including noise and shadow flicker has been included in the Supporting Statement (Sections 8 and 9).
- 57 Overall the Development Plan policy framework is considered supportive of the principle of wind energy development. The detail of the scheme and its compliance with Development Plan policies is set out in the sections of the report below.

Landscape and Visual Impact

- 58 The Supporting Statement (page 32) states that the proposed location has been chosen to represent the best compromise between technical and environmental considerations within the land ownership boundary, to limit the turbine's visibility over local receptors, including residents, and to appear in scale with the surrounding landscape.
- 59 A Landscape and Visual Impact Assessment supports the application to consider any landscape and visual impacts including on local residents. Seven viewpoints have been selected from near, middle and distant locations as well as views from north, south, east and west.
- 60 The siting of the turbine, around 500m away from Dunning will from some locations, such as Viewpoint 1 on the B934 to the north of the village, appear dominant and have some impact on views to the Ochil Hills and the Local Landscape Area designation. The turbine will also be visually dominant in some views from within the village, which is inevitable due to its size and the compact nature of Dunning Village where the historic St Serf's Church is currently one of the highest structures.
- 61 Supplementary Guidance (SG) to support Policy 39 specifically notes that development of single wind turbines is a force for change in the area, and one of

the objectives of the guidance is to ensure that proposals for wind turbines should not have an adverse impact on the special qualities of the sensitive environment (p.40).

- 62 However since this SG was approved NPF4 has been adopted and has primacy in planning decision making. Within NPF4 Policy 11e ii provides allowance for there being localised landscape and visual impacts from renewable energy proposals. In this case the visual impact will be most significant in the local context, when the development is experienced/seen from Dunning and its immediate surrounding environs. There is potential for the proposal to impact on the Ochil Hills Local Landscape Area where NPF4 a) does not support development where it would have an unacceptable impact on the natural environment. However, in this case the proposal would not impact on the wider Ochil Hills LLA designation as the impacts are largely localised and therefore are considered to be supported through NPF4 policy 11e. A condition (Condition 8) can control the finish and colour of the turbine, together with the details of cabling routing to minimise visual impact.
- 63 The support for the turbine is therefore required to be balanced between the visual amenity and character of the area and the economic and environmental aspects in terms of reducing carbon emissions.

Conservation Considerations

- 64 Dunning Conservation Area is characterised by its distinctive street pattern radiating from the focal point of the category A listed 12th Century church tower of St Serf's. The tower is a rare surviving example of this building type in Scotland, and a dominant landmark. As set out in the Dunning Conservation Area Appraisal; "*St Serf's Church is the key landmark building in the village. The impressive Romanesque steeple, c.25m in height, can be seen in long views from all directions, in vistas and in glimpse views between the densely packed buildings of the village core*" (Para. 4.5), This indicating that the primary qualities of the area are radiating into the centre.
- 65 The church tower, as seen in views into the conservation area from the six approach roads into the village, makes a significant contribution to the quality, character and distinctiveness of the wider landscape.
- 66 An assessment of Cultural Heritage and Archaeology has been included in the Supporting Statement (Section 6). This notes that the assessment of setting impacts measures the level of effect on the heritage designations within the conservation area as "*Moderate to Moderate/ Minor*", stating that intervisibility with St Serf's "*would be prominent but would not remove the ability to appreciate the heritage asset*". The turbine would not significantly obscure views into the conservation area, but its presence would reduce the church tower's visual prominence and dominance in wider views, and change the quality and character of the historic landscape. It is accepted that there will be impact on heritage assets although whether this is the overriding consideration requires to be assessed.

- 67 Historic Environment Scotland (HES) have been consulted due to the potential to impact on a range of heritage assets, including a number of Scheduled Ancient Monuments. HES undertook its own assessment and concluded that the understanding of the heritage assets could still be appreciated and experienced and that the development would not impact to an extent that it raises issues of national interest.
- 68 Perth and Kinross Heritage Trust (PKHT) were also consulted and advise that the site is archaeologically sensitive and that a programme of archaeological works would be required prior to development commencing. A condition to this effect is recommended. (Condition 4).
- 69 There will be impacts on the heritage environment and it is accepted that there are some tensions between the proposals in relation to parts of LDP Policies 27A (Listed Buildings), 28A (Conservation Areas), 33A (Renewable and Low Carbon Energy) and NPF4 Policies 7 (Historic Assets and Places) and 11 (Energy). These seeing parts which seek to protect the historic environment as considerations in the assessment of development proposals. In this case it is considered that the impacts on the historic environment are localised and that the increased support from NPF4 for renewable energy developments changes the balance in favour of the proposal, from what may have been the case prior to February 2023. On this basis it is considered that the proposals can be supported, when the proposals and the Development Plan are considered in the round.

Residential Amenity

- 70 NPF4 policy 11e i) lists impacts on communities and individual dwellings, including: residential amenity, visual impact, noise and shadow flicker as being key considerations in assessing the acceptability of a renewable energy project. LDP2 Policy 33a states that residential amenity of the surrounding area including noise and shadow flicker should be taken into account in assessing the acceptability of a proposal.

Noise

- 71 An assessment of the noise impacts on residential amenity has been included in the Supporting Statement via a Noise Impact Assessment (NIA) (Section 8). The Council's Environmental Health team have been consulted and initially advised that the agreed with the NIA in that further background surveys should be carried out. All to more fully understand the noise impact on residential properties in the vicinity of the turbine. In response an addendum to the NIA was produced in December 2023 and subsequent discussions took place between EH, Planning Officers and the Agent/Noise Consultants to fully explore the issue of noise. This has seen agreement reached that conditions to control the: model of turbine; setting of noise limits (for both properties with and without a financial interest in the development; that mitigation be applied via limiting the power output of the turbine in certain climatic conditions; in relation to this power outputs will be logged and made available to the Council; and that should there be any justified

noise complaints that these will be investigated by a suitable independent consultant. It is accepted by EH that these conditions (No's 17-21) address noise impacts and will protect residential amenity.

Shadow flicker

- 72 An assessment of shadow flicker on residential amenity has been included in the Supporting Statement (Section 9). The report states that four locations are predicted to have theoretical potential for more than 30 hours shadow flicker per year, a recognised threshold of significance. However, once climatic and operational conditions are factored in it is predicted that all properties will receive less than this threshold.
- 73 Following assessment by EH and in order to address any potential impact on residential amenity a condition (Condition 23) is recommended to require that a Shadow Flicker Management Plan is approved, setting out monitoring arrangements and that any subsequently identified mitigations are set out to ensure that shadow flicker does not impact adversely on amenity.

Roads and Access

- 74 The proposal includes: a hardstanding area at the turbine location, on-site access track, a temporary laydown area and a temporary construction compound. With vehicular access via an existing private access off the B934. No new altered vehicle junction to or from a public road is proposed.
- 75 Transportation and Development do not object, subject to the maintenance of the site entrance visibility splays (215meters x 2.4m x 1.05m) and clarification of where maintenance vehicles will park.
- 76 It is noted that there is space for parking at the turning point in the new access track, thus no further clarification is required. A condition is recommended with regard to visibility splays (Condition 15).
- 77 The delivery of construction materials, service vehicles and turbine components may have implications for the surrounding public road network and a Construction Traffic Management Plan will thus be required. (Condition 16).
- 78 Objections raise road safety concerns. However, the Roads Authority raise no objection and the Construction Traffic Management Scheme will provide control to ensure road safety impacts during construction and decommissioning are appropriately managed.
- 79 There is a core path that runs close to the site, within 50m. However, this is not within the site boundary so not be physically affected by the proposals, although it is appreciated that the experience of users of the route will change as a result of the presence of the turbine.

- 80 Subject to conditional control the proposal is considered in accordance with Policy 60B of the LDP, Transport Standards and Accessibility Requirements: New Development Proposals and Policy 15, Public Access.

Drainage and Flooding

- 81 The proposed development will be on currently largely undeveloped/greenfield land, around 270 east of Findony Farm. There are two watercourses within the area. The closest is a small ditch/field drainage 25m to the southwest. The other is Marcassie Burn, 530m to the east.
- 82 PKC's Flood Team requested further details of the extent of the hardstanding proposed, topographical information and further information on how runoff was going to be dealt with, so as to ensure that any flood risk would be appropriately managed.
- 83 This additional information was provided and satisfied the Flood Team's requirements and ensures that the proposal complies with NPF4 Policy 22, Flood Risk and Water Management.

Natural Heritage and Biodiversity

- 84 The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not and planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 85 An Ecological Impact Assessment (EIA) has been submitted and is in accordance with legislation, policy and guidance and its recommendations should be followed.
- 86 Conditions will be added to ensure that recommendations within the EIA are followed and that an updated assessment is provided if development has not commenced within 24 months of the date of the existing assessment (Conditions 9 and 10). A condition requiring reporting of results of 3-year post-construction monitoring is also recommended (Condition 11).
- 87 Subject to compliance with the proposed conditions the proposal is considered in accordance with LDP2 policy 41, Biodiversity and NPF4 Policy 3, Biodiversity and Policy 4, Natural Areas.

Prime Agricultural Land

- 88 The application site falls within land identified as Class 3.2 within the Land Capability for Agriculture map therefore there is no impact on prime agricultural land.

Soils

- 89 The soils are non-prime (Class 3.2), but still good agricultural land. A condition (Condition 6) will be imposed to ensure avoidance/minimisation of soil impacts including through appropriate techniques such as foundation design and minimising hardstandings and soil sealing. Subject to conditional control the proposal is considered to accord with LDP2 Policy 51 and NPF4 Policy 5(a);, Soils.

Developer Contributions

- 90 The site is not in an area or for a use that requires the payment of Developer Contributions.

Air Safety

- 91 Edinburgh Airport has been consulted and advises that the proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless conditions to undertake Instrument Flight Procedure (IFP) Assessment are attached to any permission.
- 92 The site also falls within an MOD identified low flying area where fixed wing aircraft may operate as low as 76.2m. Conditions are requested with regard to aviation charting and safety management and for the aviation lighting. Subject to compliance with the requested conditions the MOD does not object. Whilst Dundee Airport do not object or require conditions.
- 93 Subject to conditional control (Conditions 12, 13 and 14) the proposal is considered in accordance with Policy 61, Airfield Safeguarding of LDP2.

Reinstatement

- 94 Following construction, works will be carried out to restore and landscape track verges, cable runs, temporary construction compounds, and temporary hardstanding and other features not part of the permanent works. This can be addressed via requirements of the CEMP (Condition 5).

Decommissioning

- 95 Proposals for reinstatement and decommissioning are included in Section 2.4 of the Supporting Statement. A condition is recommended to ensure that decommissioning and reinstatement plans are agreed in advance and then undertaken in accordance with the agreed plans. Subject to compliance with the condition (Condition 26) the proposal is considered to accord with LDP2 Policy 33c and NPF4 Policy 11e xi xii with regard to Decommissioning and Reinstatement.

Economic Impact

- 96 The proposal represents a significant investment by Simon Howie Butchers and supports the decarbonisation of an existing commercial business. Submissions advise that 141 people are currently employed at the factory and 14 live in Dunning, a further 23 within a 5-mile radius. Thus, the facility is a significant local employer with substantial community economic benefits. The proposals represent a significant investment in the future of the business and will assist in it becoming more self-sufficient and efficient in terms of its energy supply and costs, costs having been volatile in recent times. The development is anticipated to create certainty and stability in terms of the operational costs and in turn the future viability of the business. Providing certainty and positivity for the long term future of this local employer is an important aspect in the decision making process.

Impact on Telecommunications

- 97 Relevant stakeholders (i.e. Ofcom) have been consulted by the applicant to identify any potential impacts on telecommunications infrastructure and whether any mitigation was necessary. However, it concluded that there would be no adverse impacts. See Section 10 of the Supporting Statement.

Other matters

- 98 Objectors have queried how works to the south of the development will be undertaken as there is no access on this side other than via Mill Cottage. However, access rights which may not be in place to allow for the requirements of the development is something for the developer/applicant to agree with adjoining landowners. In addition, access rights for maintenance and other private access matters are generally written into title deeds and are not material planning considerations that can influence the determination of this planning application.

VARIATION OF APPLICATION UNDER SECTION 32A

- 99 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. A Drainage Impact Assessment and additional noise information, were submitted.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 100 None required.

DIRECTION BY SCOTTISH MINISTERS

- 101 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 –33 there have been no directions

by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 102 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development is not considered to fully comply with all aspects of the NPF4 and the adopted Local Development Plan 2 (2019). Particularly in relation to the impacts on the landscape and built heritage. However there are clear material considerations apparent, particularly in relation to decarbonising the operational footprint of the business, providing energy security, meeting renewable energy generation targets, reducing cost volatility to provide certainty for the businesses viability going forward and thus greater security to the employment therein, all of which see the planning balance applied and are considered to outweigh the limited tensions with some aspects of the Development Plan.
- 103 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. For the avoidance of doubt the wind turbine model hereby approved is limited to that specified in the submission (Enercon E70 E4 2.3MW machine with a 69m hub height and a 70m rotor diameter) and which has informed all supporting information and assessment by the Planning Authority, particularly that related to noise, shadow flicker and visual impact. No other turbine shall be installed without a further grant of planning permission, the assessment of which will review any changes in material planning considerations. Reason: In the interests of ensuring that the impacts of the development have been accurately

assessed and that planning conditions remain relevant to the development implemented.

4. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

5. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) and Pollution Prevention Plan (PPP) detailing environmental mitigation measures and site-specific construction method statements, has been submitted for the further written agreement of the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) as required. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of proper site management.

6. The wind turbine, buildings, areas of hardstanding and tracks shall be constructed in the location shown on the approved plans or as per the micro-siting allowances granted by this condition.

Unless otherwise approved in advance in writing by the Planning Authority micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum, than the position shown on the approved plans;
- b. No wind turbine, building, mast or hardstanding shall be moved more than 10 m from the position shown on the original approved plans;

No later than one month after the date of First Commissioning, if required, an updated site plan must be submitted to the Planning Authority showing the final

position of the wind turbine, and associated infrastructure forming part of the development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the Planning Authority's approval.

Reason - To minimise environmental impacts while taking account of the need to site infrastructure according to local ground conditions.

7. Prior to the commencement of development hereby approved, a Soil Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction of the development.

Reason - In the interest of proper site management

8. Prior to the commencement of any development on site, precise colour details of the turbine components, and details of cabling routing (which shall be underground where possible) shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall be implemented in full and thereafter retained for the duration of the development.

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

9. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12 Heritage Environmental Limited Simon Howie Butchers Wind Turbine: Ecological Impact Assessment October 2023) shall be fully adhered to, respected and undertaken as part of the construction and operation phase of the development, to the satisfaction of the Council as Planning Authority. This includes implementation of the proposed biodiversity enhancements listed on page 39 and 40 of the EIA which must be in place prior to the operation of the turbine.

Reason - In the interests of protecting environmental quality and of biodiversity.

10. An updated ecological impact assessment will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the ecological impact assessment survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

11. The annual results from the three-year post-construction monitoring shall be reported to Biodiversity@pkc.gov.uk by 31st October each year.

Reason - To ensure that the impact on biodiversity from the development is monitored and recorded.

12. No structure or tower may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP (Instrument Flight Procedure) Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Definitions:

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Edinburgh Airport.

"IFP Assessment" means a safeguarding assessment against current and any possible future IFPs. This assessment must be undertaken by a UK CAA Approved Procedure Design Organisation (APDO).

Further information on IFP Safeguarding and a quote for this assessment can be obtained by contacting safeguarding@edinburghairport.com.

Reason - In the interests of aviation safety.

13. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Perth & Kinross Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason - In the interests of aviation safety.

14. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
- a) the date of the commencement of the erection of wind turbine generators;
 - b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
 - c) the date any wind turbine generators are brought into use;
 - d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason - In the interests of aviation safety.

15. Prior to the commencement of the development hereby approved, full visibility splays of 215 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

16. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - arrangements to ensure that access for emergency service vehicles are not impeded; and
 - details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management

17. For all properties without any financial involvement, noise emanating from the turbine during nighttime (as defined in ETSU-R-97 as 23:00 to 07:00 on all days) shall not exceed LA90, 10 mins 35dB(A) or the ETSU-R-97 derived night hours noise limit of LA90, 10 mins +5 dB(A) above background whichever is the greater. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise level.

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

18. For all properties without any financial involvement, noise emanating from the wind turbine at any other time than defined in condition above shall not exceed an L A90, 10 min of 35 dB at noise sensitive properties at wind speeds not exceeding 10m/s and measured at a height of 10m above ground at the wind turbine site, or the ETSU-R-97 derived 'quiet waking hours noise limit of LA90, 10 mins +5dB above background, whichever is greater. In the event that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise level.

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

19. For all properties with any financial involvement, noise emanating from the turbine during nighttime (as defined in ETSU-R-97 as 23:00 to 07:00 on all days) shall not exceed LA90, 10 mins 45dB(A) or the ETSU -R - 97 derived night hours noise limit of LA90, 10 mins +5 dB(A) above background whichever is the greater. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise level.

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

20. For all properties with any financial involvement, noise emanating from the wind turbine at any other time than defined in condition above shall not exceed an L A90, 10 min of 45 dB at noise sensitive properties at wind speeds not exceeding 10m/s and measured at a height of 10m above ground at the wind turbine site, or the ETSU-R-97 derived 'quiet waking hours noise limit of LA90, 10 mins +5dB above background, whichever is greater. In the event that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.

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

21. Mitigation measures in the form of Reduced Power mode outputs as outlined in Section 8.8.2 of The Supporting Statement Ref C5726-1426 Section 8 v2 dated 19 December 2023 which was undertaken by Greencat Renewables shall be implemented in full for the life time of the development.

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

22. Prior to the development hereby approved being brought into use, and electricity generated, the wind turbine operator shall submit a list of proposed independent consultants (who may undertake compliance measurements in accordance with the above conditions) for the written agreement of the Planning Authority. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

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

23. Prior to the operation of the turbine a shadow flicker management plan shall be submitted to, and approved in writing by, the planning authority. Within the plan the applicant shall identify the range of residential properties that can be remotely monitored for a period of one year from the commissioning, and subsequent operation, of the turbine to study the effect that shadow flicker could have on residential amenity. The plan shall also include mitigation measures to ensure that shadow flicker can be mitigated to an acceptable level should justified complaints be received following the operation of the turbine and details of a practical procedure to remediate any shadow flicker that are capable of being implemented by the applicant in the event of a justified complaint being registered by the planning authority using mitigation measures detailed in the shadow flicker management plan.

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

24. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of Institute of Acoustics's Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

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

25. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the Institute of Acoustics's Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

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

26. Within six months of the wind turbine being decommissioned the owner shall submit a scheme for the removal of the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition. Thereafter the scheme as subsequently approved in writing by the Planning Authority shall be implemented in complete accordance with the details as so agreed.

Reason - To ensure the turbine is removed from the site at the end of its operational life, and to protect the visual amenity of the area.

Justification

The proposal is not in full accordance with the Development Plan however there are material reasons which justify departing from the Development Plan. There are significant benefits that renewable energy generation will bring to the wider business and its net zero ambitions, that accord with NPF4 Policy 11, Energy, 33A Renewable and Low Carbon Energy: New Proposals for renewable and low carbon energy. These considerations have been balanced against the wider impacts, arising from the proposal due to the scale of the turbine and its location in close proximity to the historic settlement of Dunning and other visual receptors of note.

On balance, the contribution of the proposal to the reduction of carbon emissions and to the Scottish Government net zero targets are considered to outweigh the adverse landscape and visual impacts and the impact on the setting of historic assets.

Procedural Notes

None.

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position. Please use the form attached herewith.
3. An application for Building Warrant may be required.

4. The developer is advised to contact Grace Woolmer-White Historic Environment Officer (tel 01738 477056) Perth and Kinross Heritage Trust, to discuss terms of reference for works required and, if necessary, prepare for them written Terms of Reference.
5. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the submission of a Drainage Impact Assessment.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 102 letters of representation
Date: 1st March 2024

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING

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