

LRB-2021-36
21/00550/FLL – Formation of two landscape bunds and associated access track, Binn Eco Park Wind Farm, Glenfarg

INDEX

(a) Papers submitted by the Applicant (***Pages 9-42***)

(b) Decision Notice (***Pages 21-22***)

Report of Handling (***Pages 45-62***)

Reference Documents (***Pages 63-166***)

(c) Representations (***Pages 167-202***)

LRB-2021-36
21/00550/FLL – Formation of two landscape bunds and
associated access track, Binn Eco Park Wind Farm,
Glenfarg

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name BINN FARM LTD

Address BINN FARM
GLENFARG
PERTSHIRE

Postcode PH2 9PX

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name MARK WILLIAMSON

Address 34 HERMITAGE DRIVE
PERTH

Postcode PH1 2SY

Contact Telephone 1 07761 908656

Contact Telephone 2

Fax No

E-mail* markj102virginmedia.com

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

21/00350/FLL

Site address

BINN FARM, GLENFARG, PERTSHIRE

Description of proposed
development

FORMATION OF TWO LANDSCAPE BUNKS AND ASSOCIATED
ACCESS TRACK

Date of application

01/04/2021

Date of decision (if any)

14/07/2021

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

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

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

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

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

Site inspection

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

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

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

Statement

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

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

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

* SEE STATEMENT ATTACHED

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

Yes ☐ No ☒

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

List of documents and evidence

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

DOC 1. DECISION LETTER 21/00550/ 14 JULY 2021
 DOC 2. PKC PRE-APPLICATION ENQUIRY RESPONSE 20/00266/PREAPP
 5 AUGUST 2020
 DOC 3. PKC EIA SCREENING OPINION RESPONSE 20/00831/SCRN
 14 JULY 2020

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

Checklist

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

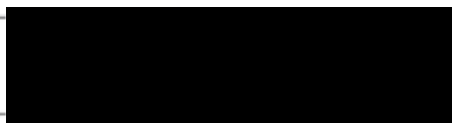
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed



Date

12 OCTOBER 2021

Statement

Notice of Review

Formation of two landscape bunds and associated access track at Binn Eco Park Wind Farm Glenfarg

21/00550/FLL

Introduction

This Notice of Review is submitted following the refusal of planning permission 21/00550/FLL under delegated powers on the 14 July 2021 for the formation of 2 landscape bunds and access track at Binn Eco Park. (Doc 1)

The Review application was submitted after receiving positive Pre-application advice from Perth and Kinross Council. There was no mention that the proposal would be contrary to the Development Plan and in particular to Policy 37 of the adopted local development plan.

Importantly, the Review application was submitted on the basis of this Pre-application advice.

The reason for refusal is outlined below indicating that the recycling or processing is not on an appropriate area of land and there is not a satisfactory justification that the bunds will improve visual amenity for nearby residences.

“The proposal is contrary to Policy 37 of the Perth and Kinross Council Local Development Plan 2 (2019) (Management of Inert and Construction Waste) as the proposal does not involve recycling or processing of inert and construction waste on an appropriate industrial area or brownfield land and is not located at an existing active mineral or landfill site. The proposal involves the creation of landscaped bunds on a greenfield site and the justification for the bunds, to improve the visual amenity and screen wind turbines from neighbouring residential properties, has not been demonstrated to a satisfactory degree to justify a departure from Policy 37.”

The Notice of Review looks to demonstrate that the siting of the bunds is considered to be acceptable at this location on Binn Farm land and that there will be an improvement in neighbouring amenity as a result.

There was general agreement between the relevant parties that there was a need for the bunding.

It is therefore recommended to the Review Body that the Review proposal is consented and a condition attached to review and monitor the bund profile at completion in consultation with the affected residences to see if there is any scope or requirement to modify the bund profile further to fully satisfy the affected residence.

The Review proposal will not have a detrimental impact on the visual amenity or landscape character of the area, will not lead to any adverse ecological, hydrology/drainage or transport impacts, and will not lead to operational impacts having any adverse effects on residential amenity.

The following consultations were undertaken as part of the assessment of the Review proposal. It is noted that there were no objections from the main environmental consultees:-

NatureScot – no objection and accept conclusions of Ecology Report.

Scottish Water – no objection

Scottish Environment Protection Agency (SEPA) – no objection following consideration of hydrology, hydrogeology, waste management, impact on water environment and pollution control.

Perth And Kinross Heritage Trust – programme of archaeological works recommended which should be secured by condition

Abernethy Community Council – object to application as the bunds do not provide sufficient screening of the wind turbines and the bunds are located outwith the Binn Farm Waste Management Site.

Background to the review proposal

Planning consent was granted for the erection of 4 wind turbines at Binn Ecopark in 2015.

Since the erection of the wind turbines there was concern from nearby neighbours that their residential amenity was affected visually by the turbines. In order to help mitigate this visual impact the applicant agreed with the affected residences to screen the turbines from their properties with the formation of bunding.

Prior to submission of the Review application the applicant made a Pre-Application Enquiry to Perth & Kinross Council for the formation of 2 landscape bunds at Binn Farm, reference 20/00268/PREAPP dated 5 August 2020. (Doc 2)
In the Pre-Application Response from PKC it was stated that:-

“In terms of the development proposed, waste management is not considered to be one of the key issues to be addressed. Although the applicant proposes to reuse inert material, it is considered that whether it is waste material or new material is not important as long as its use is approved by SEPA. It’s not explicitly considered to be a waste management proposal and the policy is therefore of lesser importance. Details of the source of all waste to be used should be submitted with the application, both from within the Eco Park and externally. The relationship of the proposal to pollution control and SEPA’s interests will be key. The type and quality of the waste requires to be detailed and specified. The site of the bunds is outwith the designated Waste Management Area of Binn Eco Park within the LDP2.”

Despite this statement in the Pre-Application response that waste management is not considered to be one of the key issues, the Review application was refused as being contrary to Policy 37 of the Perth and Kinross Council Local Development Plan 2 (2019) (Management of Inert and Construction Waste).

The Review application therefore was assessed as being contrary to Perth and Kinross Council's own Pre-Application advice which emphasised that:-

"It's not explicitly considered to be a waste management proposal and the policy is therefore of lesser importance." (Policy 37)

As well as the Pre-Application Enquiry submitted to Perth & Kinross Council an Environmental Impact Assessment Screening Request was submitted and a subsequent response received on the 14 July 2020 stating that an EIA was not required for the Review application, 20/00831/SCRN. (Doc 3)

In accordance with the Pre- Application advice received from Perth and Kinross Council supporting information/analysis was submitted with the Review application and included the following:-

- Transport Assessment
- Hydrology & Hydrogeology Impact Assessment
- Landscape & Visual Assessment
- Ecology Report
- Construction Environmental Management Plan
- Planning Statement

Current Planning Policy Context

Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 26B: Archaeology

Policy 27A: Listed Buildings

Policy 37: Management of Inert and Construction Waste

Policy 38A: Environment and Conservation: International Nature Conservation Sites

Policy 38B: Environment and Conservation: National Designations

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 55: Nuisance from Artificial Light and Light Pollution

Policy 56: Noise Pollution

Policy 58A: Contaminated and Unstable Land: Contaminated Land

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Supplementary Guidance - Landscape

Reasons for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reason for refusal which stated that:-

“The proposal is contrary to Policy 37 of the Perth and Kinross Council Local Development Plan 2 (2019) (Management of Inert and Construction Waste) as the proposal does not involve recycling or processing of inert and construction waste on an appropriate industrial area or brownfield land and is not located at an existing active mineral or landfill site. The proposal involves the creation of landscaped bunds on a greenfield site and the justification for the bunds, to improve the visual amenity and screen wind turbines from neighbouring residential properties, has not been demonstrated to a satisfactory degree to justify a departure from Policy 37.”

Policy 37: Management of Inert and Construction Waste states:-

Applications for the recycling and processing of inert and construction waste which are environmentally acceptable will be supported where:

- (a) they are located in an appropriate industrial area or on appropriate brownfield land;
- (b) they are located at an existing active mineral or landfill site and the facility will be removed on the completion of the landfill or mineral extraction operation;
- (c) on operational mineral and landfill sites the operations would not prejudice or delay the approved restoration of the site;
- (d) they are accompanied by a revised scheme for the restoration of the whole site with appropriate phasing; and
- (e) they will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s)

The Review proposal was considered to be contrary to Policy 37 of the adopted local development plan and in particular in terms of criteria a) and b) of the policy.

These locational issues, along with the provision of visual impact mitigation for neighbouring residential properties will be considered separately as part of the Review.

Location of the landscape bunds

The Review application site is on land at Binn Farm in close proximity to Binn Ecopark. The main reason for the landscape bunding was to help mitigate the visual impact of the recently erected wind turbines, which was agreed between the appellant and the affected residents. The siting of the bunds could not satisfy criteria a) or b) of Policy 37 and could only be sited between the affected houses and the nearest wind turbines.

Given the main reason for the bunding and the context of the Pre-application advice, it is not acceptable to then refuse the application on policy grounds which the Council had previously stated to the applicant were not considered to be relevant.

The Review proposal was considered to be acceptable in terms of visual impact and landscape character and would be similar in character to the hummocky terrain in the surrounding area. There was also no objection from SEPA in terms of drainage impact. Any operational impacts could be mitigated satisfactorily by condition(s) on any consent.

The Review proposal is in accordance with policies 39, 41, 52, 53C, 56, 60B of the adopted local development plan.

Screening to improve residential amenity

The Review proposal did not receive any additional objections and therefore could be construed as being broadly acceptable to the neighbouring communities i.e. broadly satisfactory. One of the two affected residents did not object to the proposal.

The primary thrust of the objector's argument is that the proposed bunds were not high enough to fully screen the turbines. This position implies that the intention to screen was being partially met and that a higher design would have been acceptable.

The proposal, as it stands therefore, does represent an improvement to the existing visual amenity and provides screening to the majority of the visible wind turbines from the affected residences.

It follows from this that the proposal was to a significant degree satisfactory despite the submitted scheme being a compromise position which balanced engineering design issues against the desired screening outcome.

If the proposal, even as a compromise position, is satisfactory to some extent, why would this justify that the initial Pre-application interpretation of Policy 37 be overturned and the proposal rejected?

It is concluded that the proposal is generally acceptable and significantly improves the residential amenity of the affected properties in accordance with policies 1A and 1B of the adopted local development plan. As mentioned previously the Review proposal could be conditioned on consent to monitor and review the bund profiles at completion in consultation with the affected parties to see if there is any scope to further improve screening potential.

Conclusions

The principle of the Review proposal was considered to be acceptable at the Pre-application stage. Both the Council and the affected residents supported the development of the bunds to improve residential amenity.

There were no objections from the main environmental consultees and the Review proposal was considered to be acceptable in terms of visual impact and landscape character being similar in character to the hummocky terrain in the surrounding area. There was also no objection from SEPA in terms of drainage impact. Any operational impacts could be mitigated satisfactorily by condition.

It is respectfully requested that the Review proposal is consented and a condition attached to review and monitor the bund profile at completion in consultation with the affected residences to see if there is any scope or requirement to modify the bund profile further to fully satisfy the affected residence.

For the reasons outlined above it is requested that the Notice of Review is upheld.



Binn Farm Ltd
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **14th July 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/00550/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 28th April 2021 for Planning Permission for **Formation of two landscape bunds and associated access track Binn Eco Park Wind Farm Glenfarg**

David Littlejohn Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 37 of the Perth and Kinross Council Local Development Plan 2 (2019) (Management of Inert and Construction Waste) as the proposal does not involve recycling or processing of inert and construction waste on an appropriate industrial area or brownfield land and is not located at an existing active mineral or landfill site. The proposal involves the creation of landscaped bunds on a greenfield site and the justification for the bunds, to improve the visual amenity and screen wind turbines from neighbouring residential properties, has not been demonstrated to a satisfactory degree to justify a departure from Policy 37.

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

Plan Reference

01

02

03

04

05

06

07

08

09

10

11

12

14

15

16



Planning & Development
Head of Service David Littlejohn

Pullar House
35 Kinnoull Street,
PERTH PH1 5GD

Tel 01738 475300

RefNo 20/00268/PREAPP

Date 5 August 2020

Binn Group
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Dear Sir/Madam,

Town and Country Planning (Scotland) Act, 1997

RE: Formation of 2 landscape bunds at Binn Farm Glenfarg

Please find attached a response to your pre application enquiry.

Yours faithfully

John Williamson

Planning Officer

Pre-Application Service



**PERTH &
KINROSS
COUNCIL**

NON-HOUSEHOLDER PRE-APPLICATION ADVICE

All applicants are advised that Perth & Kinross Council encourages the completion of Processing Agreements with all planning applications. The Agreement will set out timescales for the processing of the application, the submission of additional information if required and a target date for the decision or committee date.

All comments are based on the information submitted and are made without prejudice to any decision Perth & Kinross Council may make in the future. It is not usually possible for an officer to visit the site or consult on a proposal at the pre-application stage but these are part of the formal planning application process, as is public notification. Additional issues may arise as a result of detailed analysis of any submitted application, associated plans and supporting documentation.

Further discussion on a revised proposal will normally require to be the subject of a fresh pre-application enquiry (and incurring a further fee). Clarification of comments contained below can be provided by the case officer but no further discussion will be entered into at this stage as to how the policies are interpreted or applied.

CASE DETAILS	
Reference number of pre-app	20/00268/PREAPP
Site Address/location	Binn Farm Glenfarg
Details of Proposal	Formation of 2 landscape bunds
Case Officer	John Williamson
Date	5 August 2020

SITE DESIGNATIONS AND CONSTRAINTS
Ochil Hills Special Landscape Area Area to east is part of Ancient Woodland Inventory
<u>Required Documents with Submission</u>
Landscape and Visual Impact Assessment

Ecology Report including assessment of impact on Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)
 Transport Assessment
 Tree Survey
 Supporting Planning Statement
 Construction Method Statement

A supporting document to address SEPA's requirements in relation to impact on the water environment is also likely to be required, however a detailed consultation response from them is awaited. Further detail on the requirements will follow next week.

RELEVANT PLANNING POLICIES AND GUIDANCE

TAYplan2 Policies

https://www.tayplan-sdpa.gov.uk/strategic_development_plan

TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"

The following sections of the TAYplan 2016 will be of particular importance in the assessment of this proposal.

Policy 1: Locational Priorities

Policy 2: Shaping Better Quality Places

Policy 3: First Choice for Investment

Policy 4: Homes

Policy 5: Town Centre First

Policy 6: Developer Contributions

Policy 7: Energy, Waste and Resources

Policy 8: Green Networks

Policy 9: Managing TAYplan's Assets

Policy 10: Connecting People, Places and Markets

Perth & Kinross Local Development Plan Policies

www.pkc.gov.uk/developmentplan

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

	<p>Policy 1A: Placemaking</p> <p>Policy 1B: Placemaking</p> <p>Policy 27A: Listed Buildings</p> <p>Policy 37 :Management of Construction and Inert Waste</p> <p>Policy 39: Landscape</p> <p>Policy 41: Biodiversity</p> <p>Policy 52: New Development and Flooding</p> <p>Policy 53A: Water Environment and Drainage: Water Environment</p> <p>Policy 53B: Water Environment and Drainage: Foul Drainage</p> <p>Policy 53C: Water Environment and Drainage: Surface Water Drainage</p> <p>Policy 53E: Water Environment and Drainage: Water Supply</p> <p>Policy 55: Nuisance from Artificial Light and Light Pollution</p> <p>Policy 56: Noise Pollution</p> <p>Policy 57: Air Quality</p> <p>Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals</p>
<p>Other Policies and Guidance</p> <p>https://beta.gov.scot/policies/planning-architecture/planning-guidance/</p> <p>https://www.pkc.gov.uk/ldp2guidance</p>	<p><u>National</u></p> <p>Creating Places: A policy statement on architecture and place for Scotland 2013</p> <p>Designing Streets: A Policy Statement for Scotland 2010</p> <p>National Roads Development Guide 2014</p> <p>Historic Environment Scotland: Legislation and Guidance</p> <p><u>Perth & Kinross Council</u></p> <p>Flood Risk and Flood Risk Assessments</p> <p>Placemaking Guide</p> <p>Landscape</p>
LIKELY CONSULTEES	
PKC Internal	<p>Transport Planning</p> <p>Environmental Health – Noise, Dust and Private Water Supplies</p>

	Structures and Flooding Biodiversity Officer Land Quality Team – Contaminated Land
External	Scottish Water Scottish Environmental Protection Agency
SUMMARY OF CONSIDERATIONS	
<p>Planning Principle</p> <p>Policy 37 (Management of Inert and Construction Waste)</p> <p>In terms of the development proposed, waste management is not considered to be one of the key issues to be addressed. Although the applicant proposes to reuse inert material, it is considered that whether it is waste material or new material is not important as long as its use is approved by SEPA. It's not explicitly considered to be a waste management proposal and the policy is therefore of lesser importance. Details of the source of all waste to be used should be submitted with the application, both from within the Eco Park and externally. The relationship of the proposal to pollution control and SEPA's interests will be key. The type and quality of the waste requires to be detailed and specified. The site of the bunds is outwith the designated Waste Management Area of Binn Eco Park within the LDP2.</p> <p>Policy 39 (Landscape)</p> <p>The proposed site falls within the Ochil Hills Local Landscape Area and given the nature and location of the proposal there is potential for landscape and visual impacts. Policy 39 sets out a number of criteria which the development will be required to consider as part of an application. This includes both the landscape bunds as well as the proposed access track. It is considered that an appraisal of the Landscape and Visual Impact of the proposed development will be required to be submitted to consider any landscape and visual impacts both within the site and the surrounding area. Particular focus should be made to the qualifying features of the Ochil Hills Local Landscape Area – please refer to the adopted Landscape Supplementary Guidance (2020) for further information and guidance in this regard.</p> <p>It is noted that the landscape bunds are proposed in order to address impacts on the amenity of neighbouring residential properties from the recently constructed turbines. Notwithstanding any assessment on the landscape/visual impact of the proposal, the scale of the bunds are not considered to be insignificant. The justification of the bunds in relation to protecting residential amenity will have to be balanced against the landscape/visual impact that they will have.</p> <p>On a separate point it would be useful for the sectional drawings of the bunds to specify the maximum height(s) of the bunds and not the mid-point height(s). Full details of the extent and height of the bunds should be submitted with the application including contours and relationship to existing land form.</p>	

Full details of the proposed landscape treatment and aftercare of the bunds should be submitted with the application. A detailed planting scheme should accompany the application so an assessment of the overall visual and landscape impact can be undertaken.

Roads and Access

It is noted that part of the existing wind farm access will be used to access the site with a small extension. There are not considered to be any road safety issues with the proposal, however a Transport Statement should be submitted with the application to demonstrate the extent of HGV traffic which would be required to form the bunds given that some 20% of the inert waste used is to come from off site sources. Policy 60B of the LDP2 is relevant in this instance.

Cultural Heritage

The group of buildings at Catochil to the west of the site are listed buildings and therefore the impact which the bunds will have on their setting will be relevant to the assessment of the application. Policy 27A is relevant. Given the distance between the site and the listed buildings and the presence of the intervening turbines it is unlikely that the setting will be detrimentally impact upon.

Residential Amenity

It is noted that the purpose of the bunds is to help to mitigate the impact of the recently constructed wind turbines on nearby residential receptors.

A Construction Method Statement should accompany the application which should outline how the bunds will be formed to ensure that impact on residential amenity during construction operations is limited as much as possible. This should outline how noise and dust during construction are to be mitigated.

SEPA/Hydrology and Hydrogeology Impacts/Drainage and Flooding

SEPA are currently reviewing the pre application submission and are due to respond by the middle of next week following consultation with internal departments. The Council's GIS mapping system indicates that the southern area of the site is at risk from surface water flooding. I will provide a further update on SEPA's comments following their response as their comments are likely to impact on the overall comments relating to drainage, flooding and the impact on the water environment and what supporting information will be required.

Ecology

Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 700m from the application site. The site is important for its population of breeding great crested newts, which is the only known breeding population in east Perth & Kinross, and for its assemblage of breeding amphibians, which is the richest in east Perth &

Kinross. No detailed information has been submitted as part of this pre-app enquiry and so it cannot be assessed what impact this proposed development would have on both designations. This information is required to inform further discussion about the impacts of this proposed development. Policy 38B of the LDP2 is relevant here.

No detailed information has been submitted as part of this pre-app enquiry and so it cannot be assessed what impact this proposed development would have on forestry, woodland and trees. Detailed tree and woodland survey are required to inform further discussion about the impacts of this proposed development should any trees require to be felled. Any trees loss must be clearly indicated and replaced with planting tree species native to Scotland.

Woodland listed on the Ancient Woodland Inventory (Glen Wood) is located adjacent to the application site. Although not legally protected, Ancient Woodland Inventory sites are important and irreplaceable habitat and the Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage of Ancient Woodland. The impact of this proposed development on ancient woodland must be included as part of a detailed planning application.

Enhancing connectivity and avoiding the creation of small islands of habitat is a key action in the Tayside Local Biodiversity Action Plan and Scotland's Biodiversity Strategy. Severing existing areas of woodland, especially Ancient Woodland, should be avoided to prevent the negative impacts on biodiversity such as loss of connectivity for movement and dispersal. The mitigation hierarchy should be followed to reduce the impacts of the proposed development. Policy 40 is relevant here.

The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. 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.

No detailed information has been submitted as part of this pre-app enquiry and so it cannot be assessed what impact this proposed development would have on biodiversity. Records of the following species are held by the Council for this area – brown hare and numerous records of red squirrels. A detailed ecological survey is required to inform further discussion about the impacts of this proposed development. Policy 41 is relevant here.

Developer Contributions

The Developer Contributions Guidance is not applicable to the proposal and therefore no contributions are required in this instance.

Archaeology

As you will be aware various pieces of work have been undertaken on this site throughout its duration. This area was subject to a desk Based assessment in 2006, although no formal walkover took place as part of this work. Again, the area will have been included in more recent scoping report/EIA's etc but not in any focus. A programme of works would be an appropriate course of action, and as a first step I would suggest that an archaeological walkover is undertaken at the location. If no upstanding remains are identified this would be followed up by a simple watching brief during top soil stripping works. This will ensure any unknown archaeology is dealt with appropriately and allow us to evaluate this part of site. If upstanding remains are identified then we can form a mitigation plan. Policy 26 of the LDP2 is relevant here.

Private Water Supplies

The most easterly bund appears to be close to the private water supply (PWS) serving Mountquharry House, and the movement of heavy machinery near the PWS may have a deleterious effect of the supply and/or distribution network. The Council's Private Water Supply Team would be consulted and would likely request a condition to ensure the existing PWS is protected during construction works. Policy 53E is relevant here.

Summary and Conclusion

Any future development proposal will be considered primarily in relation to the policies of the Council and the guidance of the Scottish Government, in particular the Development Plan for the area, which in this case comprises the Tayplan 2016 and the Local Development Plan (LDP2) 2019. The contents and requirements of each of these policies should be considered in full prior to any submission being made to establish the level of information which will be required to accompany the planning application.

It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.

You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.

PLANS AND DOCUMENTS REQUIRED WITH PLANNING APPLICATION SUBMISSION

For information on what you will need to submit with your application please see our [application checklists](#) which can be found on our website at www.pkc.gov.uk/planning . The document [Additional Supporting Information Guidance](#) identifies the circumstances where further information will be

required to allow us and consultees to fully consider your planning application. Failure to provide this information at the time of submission may delay the consideration of your application.

PLEASE NOTE THAT THIS RESPONSE IS THE CONSIDERED OPINION OF A PLANNING OFFICER. NO FURTHER DISCUSSION WILL BE ENTERED INTO AS TO HOW THE POLICIES ARE INTERPRETED OR APPLIED.

Reviewed November 2018



Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Regulation 9(1) SCREENING OPINION

Part I – Particulars of Screening Request/Planning Application

Applicant's Name & Address	Agent/Applicant's Name & Address
Binn Farm, Glenfarg Perthshire PH2 9PX	Mark J Williamson 34 Hermitage Drive Perth PH1 2SY

Date Request/Application received	Application Ref. (if applicable)
7 July 2020	20/00831/SCRN

Part 2 – Information Provided by the Developer in the Screening Request Under Regulation 8(1)

Site Location [8(2)(a)]	Description of Proposal [8(2)(b)]
Binn Farm, Glenfarg Perthshire PH2 9PX	Formation of 2 engineered landscape bunds formed using inert waste (soil and rubble) under SEPA approval. Volume – 80,307m ³ (26m high) and 30,000m ³ (16m high)

Description of the Aspects of the Environment Likely to be Significantly Affected by the Proposed Development [8(2)(c)]
<p>Landscape and Visual Impact given located within Ochil Hills Special Landscape Area</p> <p>Traffic and Road safety</p> <p>Air Quality</p> <p>Noise during construction/formation of bunds</p> <p>Biodiversity and Ecology</p> <p>Cultural Heritage - archaeology</p> <p>Drainage Assessment</p>
Description of Likely Significant Affects by the Proposed Development
No significant impacts anticipated
Description of Features or Proposed Measures to Avoid or Prevent Significant Adverse Effects on the Environment
<ul style="list-style-type: none"> • Landscape and Visual Impact Assessment inc ZTV • Transport Assessment or Statement for importation of waste from outwith Binn Farm • Construction Method Statement • Habitat and Protected Species Survey • Drainage Impact Assessment to clarify impact on existing watercourses

Part 3 – Particulars of Screening Decision

Perth and Kinross Council hereby give notice, in accordance with the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (hereafter referred to as the 'EIA Regulations') that the development referred to in Part I above is **unlikely** to have significant effects on the environment. The Council's reasons for reaching this conclusion are set out below.

The proposal is not considered to be Schedule 1 Development as outlined in of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 due to the limited scale of development proposed.

1. Does the development fall within a description of development as defined in Schedule 1?

No

If YES – the proposal is EIA Development and EIA is required.

If NO – proceed to consideration of selection criteria under Schedule 2

2. Does the development fall within schedule 2, AND if it does, are the stated threshold and criteria of this schedule also met?

The relevant extract from the table in schedule 2 is set out below and highlights the thresholds and criteria for disposal of waste installations.

<i>Column 1</i> <i>Description of development</i>	<i>Column 2</i> <i>Applicable thresholds and criteria</i>
The carrying out of development to provide any of the following:–	
11. Other projects	
(b) Installations for the disposal of waste (unless included in schedule 1);	(i) The disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any controlled waters.

This proposal qualifies as a Schedule 2 Development under the above regulations, as the proposal is for the formation of bunds using inert waste over 0.5 hectare.

1. Does the development fall within a sensitive area?

In terms of the EIA Regulations “sensitive area” means any of the following:

- (a) A Site of Special Scientific Interest (SSSI);
- (b) Land subject to Nature Conservation Orders;
- (c) European Sites [Special Area of Conservation (SAC); an area classified under the Wild Birds Directive – Special Protection Areas (SPAs); OR a site housing a priority habitat or priority species being consulted upon (through the Habitats Directive)];
- (d) World Heritage Sites;
- (e) Scheduled Ancient Monuments;
- (f) National Scenic Areas; (g) National Parks; and (h) Marine Protected Areas.

Circular 1/2017 advises that the more environmentally sensitive the location, the more likely it is that the effects of a Schedule 2 development will be significant and will require EIA. For the purposes of reaching a screening determination special consideration will apply to these areas. In certain cases other statutory and non-statutory designations, which do not meet the definition of ‘sensitive areas’, but are nonetheless environmentally sensitive, may also be relevant in determining whether EIA is needed. These can include local landscape or biodiversity designations.

There no “sensitive areas” as defined by the EIA regulations [within or in close proximity to the site.

2. Is the development likely to have a significant effect(s) on the environment?

Circular 1/2017 advises that the basic question to be asked is ‘Would this particular development be likely to have significant effects on the environment?’ by virtue of considering factors such as its nature, size or location, taking account of the selection criteria set out in Schedule 3 to the EIA Regulations; the information supplied by the developer; and the available results of any relevant assessment.

The selection criteria in Schedule 3 of the Regulations (Annex A of Circular 1/2017). The three categories of criteria are listed:

1. Characteristics of development
2. Location of development
3. Characteristics of the potential impact

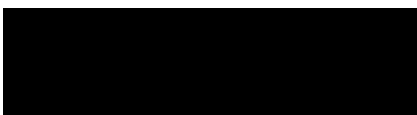
The Scottish Government and The European Commission have prepared checklists to assist this process by providing a systematic approach to screening. Such checklists also provide a clear record of the basis for which the opinion was reached and as a point of reference for scoping opinions or queries.

I have taken cognisance of these checklists in the assessment of the characteristics and location of the development, and the potential impacts upon the environment are identified in **Appendix 1** below. The potential significance of each environmental effect found has been used to decide whether the interaction between the development and location are likely to be significant.

It is the opinion of the planning authority, having taking account of the characteristics of the potential impact of the development, in terms of extent, scale, magnitude, complexity, probability, duration, frequency and reversibility, it is unlikely that the development would have a significant effect on the environment. A detailed study through an **EIA is therefore not required**.

This screening opinion does not constitute pre-application planning advice and any view or opinions expressed are made without prejudice to the Council’s determination of any subsequent planning application. Therefore, this screening opinion should not be taken as implying that the planning authority considers this to be an acceptable development in this location. A pre application response will be issued under separate cover.

PP



**Development Management and Building Standards Service Manager
Planning & Development
Development Management
The Environment Service
Perth and Kinross Council**

Dated: 14 July 2020

APPENDIX 1: EIA SCREENING CHECKLIST

APPLICATION REFERENCE: 20/00831/SCRN
SITE LOCATION: Binn Farm, Glenfarg
DESCRIPTION OF PROPOSAL: Formation of 2 engineered landscape bunds formed using inert waste (soil and rubble) under SEPA approval. Volume – 80,307m³ (26m high) and 30,000m³ (16m high)

DECISION: EIA NOT REQUIRED
DATE: 14 July 2020

	Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
1. Characteristics of the Development	n		
(a) Scale of the development			
Will the development be out of scale with the existing environment?	Yes	The bunds are large scale and made up of a significant amount of material, extending to 16m and 26m in height but will be seen in the context of an existing undulating landscape	The site sits in close proximity to existing developed waste and recycling operations and within existing undulating landscape. Close proximity to residential dwellings. Landscape and visual impact considered to be key.
Will it lead to further consequential development or works (e.g. new roads, extraction of aggregate, generation or transmission of power)?	Yes	Adjacent to existing access but additional access required from existing turbine track	No significant impact. Track could be temporary.
(b) Cumulation with other development			
Are there potential cumulative impacts with other existing development or for proposed development in the planning system?	Yes	Numerous existing uses, currently proposed and future proposals associated with the Binn Farm site and its allocation as an Eco park, although no masterplan exists to date. Recent proposals include intensification of a gasification plant and erection of four wind turbines. Waste to create bunds is proposed to come from adjacent facility	Transport of waste from existing site will limit extent of new public road movements. The proposals are consistent with existing and proposed uses of the park.
Should the application for this development be regarded as an integral part of a more substantial project? If so, can related developments which are subject to separate applications proceed independently?	Yes	Relationship to wind turbine development to provide screening	Wind turbines have planning permission. Not significant.
(c) Use of natural resources			

Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
Will construction or operation of the development use natural resources i.e.	Importation of material to farm land.	No significant impact
• land (especially undeveloped or agricultural land)?		
• water or fisheries?	Minor watercourses in vicinity.	Unlikely to be significant
• minerals or aggregates?	Importation of 110,000 m3 of inert waste	Unlikely to be significant as majority of inert waste to come from adjacent Binn Eco Park.
• agriculture, forests and timber?	Loss of agricultural land	No: due to limited scale.
• energy including electricity and fuels?	During formation of levels on site, through transportation of material (110,000m3)	Not considered significant if appropriately managed
• any other resources?		
(d) Production of waste		
Will the development produce wastes during construction or operation or decommissioning?		
• spoil, overburden or mine wastes?	Indirectly through importation of material	No: due to overall scale of development and lack of site sensitivity, the impacts are unlikely to be significant.
• municipal waste (household and/or commercial)?		
• hazardous or toxic wastes (including radioactive)?	Nothing identified	Unlikely to be significant
• other industrial process wastes?		
• surplus product?		
• sewage sludge or other sludges from effluent treatment?	Not identified	Unlikely to be significant
• construction or demolition wastes?	Construction phases	Minor, not significant
• redundant machinery or equipment?		
• contaminated soils or other material	Depends on waste used to form bunds	Unlikely to be significant
• agricultural wastes?	Unknown	Unlikely
• any other solid wastes?	Not identified	Unlikely
• liquid or solid wastes in suspension?		
(e) Pollution and nuisances		
Will the development cause noise and vibration or release of leachates, light, heat energy or electromagnetic radiation during construction or operation or decommissioning?		

Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).	
Emissions from:- • combustion of fossil fuels from stationary or mobile sources? • production processes? • materials handling including storage or transport?	Traffic movement to and from the site	Not significant	
• construction activities including plant & equipment?	Long term storage of materials through the proposed importation of inert material and soil	Unlikely to be significant given nature of existing site.	
• dust or odours from handling of materials including construction materials, sewage & waste?	Yes from construction process and the tipping/re-engineering of the material within the site to create bunds	Unlikely to be significant at scale proposed.	
• incineration of waste?	Dust from lorry movements and tipping/movement of material on site.	Depending on timings and management , considered to have a minor impact during initial stages	
• burning of waste in open air (e.g. slash material, construction debris)?	Nothing anticipated		
• any other sources?	Not anticipated .		
Is there a potential risk from:- • leachates?	N/A		
• Escape of wastes or other products/by-products that may constitute a contaminant in the environment?	There is a minor risk of associated byproducts and waste if the process is not carried out in line with best practice or associated mitigation fails	Minor risk of failure and limited impact on the presumption all appropriately managed.	
Will the development cause noise and vibration or release of light, heat energy or electromagnetic radiation? • from operation of equipment e.g. engines, ventilation plant, crushers? • from industrial or similar processes?	Principally through the importation/transportation of materials during construction phase	Unlikely to be significant.	
• from blasting or piling?	Not known that blasting or piling required in this site context but unlikely	Unlikely.	
• from construction or operational traffic?	Limited to the construction phases, but there will be noise principally from construction phase.	Not considered to be significant. Limited and manageable with Construction Environmental Management Plan in place.	
• from lighting or cooling systems?			

Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).	
		Yes/No	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
• from sources of electromagnetic radiation (effects on nearby sensitive equipment as well as people)?	Unlikely	No	No impact calculated.
• from any other sources?	N/A	No	N/A
(f) Risk of accidents, having regard in particular to substances technologies used			
Will there be a risk of accidents during construction or operation of the development which could have effects on people or the environment?	Nothing to suggest the construction phases would pose any significant risk to people or the environment	No	Unlikely to be significant.
• from explosions, spillages, fires etc from storage, handling, use or production of hazardous or toxic substances?	Unlikely	No	If properly managed unlikely to be significant.
• from events beyond the limits of normal environmental protection e.g. failure of pollution control systems?	Given nature of waste unlikely	Yes	Unlikely to be significant risk.
• from any other causes?	Nothing identified or otherwise considered.	No	Unlikely to be significant
• could the development be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslip, etc)?	Unlikely in the site context.	No	Not significant.
Will the development involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?	There is a limited risk to surrounding flora, fauna and water supplies		Limited risk and not deemed significant.
• use of hazardous or toxic substances?	Nothing directly identified other than the inert waste	No	Limited significance.
• potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases)?		No	Unlikely to have any impact.
• effect on welfare of people (e.g. change of living conditions)		No	Not considered to necessarily be significant.
• effects on vulnerable groups (e.g. the elderly)?	No direct impact calculated on vulnerable groups	No	No significance.
(g) Other characteristics: potential physical changes (topography, land use, changes in waterbodies etc) from construction, operation or decommissioning of the development			
• permanent or temporary change in land use, landcover or topography including increases in intensity of land use?	Alteration to topography, land raising associated with creation of bunds and importation of material	Yes	Unlikely to be significant provided bunds are formed appropriately and relate to undulating nature of the existing land form
• clearance of existing land, vegetation & buildings?		No	

	Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
• peat land disturbance and/ or degradation leading to: carbon release, damage to habitats, affecting land stability or hydrology?	No	Unknown impact on associated sensitivities at this location	No significant impact anticipated
• creation of new land uses?	No		
• pre-construction investigations e.g. boreholes, soil testing?	No		
• construction, demolition, reclamation or excavation works?	Yes	Importation of material to site	Not considered significant.
• temporary sites or housing for construction workers?	Yes	Likely to be limited temporary structures	Not significant
• above ground buildings, structures?	No		
• underground works including mining or tunnelling?	No	Not anticipated	
• dredging?	No	N/A	N/A
• coastal structures (seawalls, piers)?	No	N/A	N/A
• offshore structures?	No	N/A	N/A
• production and manufacturing processes?	No		
• facilities for storage of goods or materials?	Yes	While site being used for the long term storage of inert waste	Not considered to be significant
• facilities for treatment or disposal of solid wastes or liquid effluents?	No		
• facilities for long term housing of operational workers?	No	Nothing identified, not required	Not considered significant.
• new road, rail, air or sea traffic or infrastructure during construction or operation or decommissioning?	Yes	New access track required to connect to existing turbine track	Not considered significant
• new road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	N/A	N/A
• closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	N/A	N/A
• transport of personnel or materials for construction, operation or decommissioning?	Yes	Low impact with associated numbers	No: as a consequence of a lack of sensitivity to immediate surroundings and limited scale and duration of works
• new or diverted transmission lines or pipelines?	No	unknown	Unlikely.
• any works requiring an authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005. impounding, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers? abstraction or transfers of water from ground or surface waters?	Unkn own	Proximity to existing watercourses	Not of significance.
• changes in waterbodies or the land surface affecting drainage or run-off?	No	Importation of materials on site may affect waterbodies	Unlikely to be significant if surface water drainage properly designed, installed and managed thereafter.

	Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
• Long term ongoing activity during restoration or decommissioning which could have an impact on the environment	No	N/A	N/A
• influx of people to an area either temporarily or permanently?	Yes	During importation of materials	Not calculated as significant.
• introduction of alien species? loss of native species or genetic diversity?	No.	N/A	N/A
• any other changes?	No	N/A	N/A
2. Location of the Development			
(a) Existing land use			
Are there existing land uses on or around the location which could be affected by the development, e.g. undeveloped land, Greenfield land, homes, other private property, industry, commerce, tourism and recreation, public open space, community facilities, agriculture, forestry, tourism, water catchments, functional floodplains, mining or quarrying?	Yes	Agricultural, commercial and industrial uses, alongside residential properties within 500m of site. Ancient woodland to east of site. Turflundie Wood SAC SSSI 600m east of site. Known areas of archaeological interest to north and. Located within Ochil Hills Special Landscape Area	No: scale of development and duration of construction works limited. Distance from SAC & SSSI and qualifying interests of those designations mean that land disturbance from construction, unlikely to be of significance in this location Distance, intervening development and landform mean that siting and operation unlikely to be of significance in this location
Are there any areas on or around the location which is occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected?	No	Nothing of that nature in close vicinity.	No significant impact calculated.
Is the development located in a previously undeveloped area where there will be loss of greenfield land?	Yes	Greenfield site	Not significant in respect of wider landscape context.
(b) Relative abundance, quality and regenerative capacity of natural resources in the area			
Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the development?	No	Nothing identified or picked up in desk top analysis	Not deemed significant.
• groundwater resources	No	Nothing identified in vicinity	Unlikely
• surface waters	No	No significant surface water identified in vicinity	Not deemed significant
• forestry	No		
• agriculture	Yes	Directly related to existing and historic agriculture of low quality (hill sheep farm)	Impact not deemed significant.
• fisheries	No	Location far removed from any fishery	N/A

	Yes/ No	Briefly describe	Is effect likely to be significant? Significance should be considered in terms of the extent, transboundary nature, magnitude and complexity, probability, duration, frequency and reversibility of any impact(s).
• tourism	No	Not in a situation or aspect which would directly impact on existing or anticipated future tourism	Not significant through proposed situation.
• minerals	No	No known loss of mineral resource as a result of proposals	Not deemed significant.
(c) Absorption capacity of the natural environment			
Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape and visual, cultural or other value, which could be affected by the development? Particular attention should be paid to wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, nature reserves and parks.	Yes	Turflundie Wood SAC SSSI within wider proximity of site. Inland waterbodies, Bog, Marsh and heath	Development unlikely to be of significance in this location but will still require appropriate biodiversity assessments to be undertaken.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No	N/A	N/A
Are their protected species in or around the location, for example European Protected Species, which could be affected?	Yes	Turflundie Wood SAC SSSI within wider proximity of site. Inland waterbodies, Bog, Marsh and heath Qualifying interests include Great Crested Newt and is primary reason for designation. Red Squirrels are also identified to be in proximity	Development unlikely to be of significance in this location, but will still require appropriate biodiversity assessments to be undertaken.
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No	Nothing direct, paths located in surrounding countryside, inc core paths	Potential for public views of site afforded from Core Paths in the area therefore impact on experience of walking could be significant depending on overall scale. Can be considered through LVIA/ZTV
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	Yes	Areas of archaeological importance in vicinity	Unlikely due to limited scale of development proposed.
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	Yes	Binn Farm Landfill site immediately adjacent. Odour issues associated with site.	Unlikely to be significant.
Is the development in a location where it is likely to be highly visible to many people?	No	Within the bowl of a hill, low levels of direct inter-visibility.N	Unlikely to be significant.
Is the location of the development susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions which could cause the development to present environmental problems?	No	N/A	N/A

LRB-2021-36
21/00550/FLL – Formation of two landscape bunds and associated access track, Binn Eco Park Wind Farm, Glenfarg

PLANNING DECISION NOTICE *(included in applicant's submission, pages 21-22)*

REPORT OF HANDLING

REFERENCE DOCUMENTS

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/00550/FLL	
Ward No	P9- Almond And Earn	
Due Determination Date	27th June 2021 Extended to 27th August 2021	
Draft Report Date	13th July 2021	
Report Issued by	JW	Date 13 July 2021

PROPOSAL: Formation of two landscape bunds and associated access track

LOCATION: Binn Eco Park Wind Farm Glenfarg

SUMMARY:

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

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

In this instance, a physical visit to the site was considered necessary. The application site was visited on **5 May 2021 and was visited previously by the case officer on numerous occasions.**

SITE PHOTOGRAPHS







BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the formation of 2 landscaped bunds on land at Binn Eco Park near Glenfarg. The bunds are proposed to be formed using inert construction waste, the majority of which is to be sourced from existing waste streams at Binn Eco Park. The purpose of the bunds is to act as a visual screen of four recently erected wind turbines from nearby residential properties to the east of the site.

The application site comprises two areas of land where the bunds are to be formed to the north east of the Binn Eco Park. The land is currently used as rough grazing and is located outwith the designated Waste Management Area of Binn Eco Park as identified in the Perth and Kinross Local Development Plan 2 (2019). The land generally slopes downwards from west to east.

The proposed volume of the bunds will be approximately 86000 cubic metres for the most easterly bund (Bund A) and 50000 cubic metres for the westerly bund (Bund B).

Both bunds are proposed to be approximately 18m in height above ground level. A vehicular access track is proposed to be formed to each of the bunds and will be linked to an existing access track for the wind turbines adjacent to turbine 3 which will provide access to the wider Ecopark and the public road network. There is an existing small scale overhead line (OHL) located in close proximity to the bunds. The closest residential property to the bunds is Mountquharrie House which is located approximately 140m north east of Bund A and 240m east of Bund B. Beyond Mountquharrie House is Grampian View which is located further north east. Both properties are accessed from Abernethy Glen to the east. Glen Wood is located to the east of the site which is designated as Ancient Woodland Inventory.

The plans also indicate that tree planting is proposed on top of both bunds.

SITE HISTORY

09/00008/PAN Formation of an eco park 21 December 2009 Application Withdrawn

12/01004/SCRN Proposed wind turbine 21 June 2012

12/01915/SCOP Scoping opinion for wind farm 4 December 2012

13/01931/FLL Erection of a meteorological mast 16 January 2014 Application Approved

14/01970/FLL Erection of four wind turbines, ancillary infrastructure and change of use of two dwellinghouses to offices 20 August 2015 Application Approved

15/01737/FLL Erection of substation, installation of underground cable and associated works 7 December 2015 Application Approved

17/00635/SCRN Proposed Plastics Reprocessing Facility 15 June 2017

18/00865/FLL Erection of four wind turbines and ancillary infrastructure 10 April 2019 Application Refused

20/00423/FLL Erection of a substation and associated works (in retrospect) 30 June 2020 Application Approved

20/00430/FLL Erection of a wind turbine and associated works (in retrospect) 30 June 2020 Application Approved

21/00552/FLL Installation of 8 battery storage containers with a generating capacity of 10MW, control building, ancillary equipment and associated works 23 April 2021 – Application Returned

21/00834/FLL Formation of a 10MW energy storage facility comprising 8 battery storage containers, control building, ancillary equipment and associated works 12 July 2021 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: 20/00268/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 26B: Archaeology

Policy 27A: Listed Buildings

Policy 37: Management of Inert and Construction Waste

Policy 38A: Environment and Conservation: International Nature Conservation Sites

Policy 38B: Environment and Conservation: National Designations

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 55: Nuisance from Artificial Light and Light Pollution

Policy 56: Noise Pollution

Policy 58A: Contaminated and Unstable Land: Contaminated Land

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Supplementary Guidance - Landscape

CONSULTATION RESPONSES

INTERNAL

Transport Planning – no objection

Environmental Health (Noise Odour) – no objection subject to conditions

Structures And Flooding – no objection subject to appropriate cut off drains/swales to limit run off into Ballo Burn

Biodiversity/Tree Officer – no objection and ecology survey considered to be acceptable

Environmental Health (Contaminated Land) – no objection

Environmental Health (Private Water) – no objection subject to condition

EXTERNAL

Abernethy Community Council – object to application as the bunds do not provide sufficient screening of the wind turbines and the bunds are located outwith the Binn Farm Waste Management Site.

NatureScot – no objection and accept conclusions of Ecology Report.

Scottish Water – no objection

Scottish Environment Protection Agency – no objection following consideration of hydrology, hydrogeology, waste management, impact on water environment and pollution control.

Perth And Kinross Heritage Trust – programme of archaeological works recommended which should be secured by condition

REPRESENTATIONS

The following points were raised in the 2 representations received which includes a letter from the Abernethy Community Council. The letters of representation raise the following issues:

- The bunds do not serve their main purpose which is to entirely screen the existing wind turbines at Binn Farm from residential receptors.
- 3-5 year timescale for construction and planting
- Impact on residential amenity from construction operations over 3-5 year period.
- Noise
- Impact on landscape character
- Light pollution
- Impact on visual amenity
- Contrary to Development Plan
- Outwith defined boundary of Binn Farm Waste Management Site

The issues above are addressed within the appraisal section below.

ADDITIONAL STATEMENTS

Screening Opinion	Undertaken and EIA Not Required (ref:20/00831/SCRN)
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Planning Statement ZTV Construction Environmental Management Plan Ecology Report Hydrology and Hydrogeology Impact Assessment Landscape and Visual Impact Assessment Transport Assessment Construction Environmental Management Plan

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 and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

Policy 37 of the LDP2 refers to Management of Inert and Construction Waste and states that applications for the recycling and processing of inert and construction waste which are environmentally acceptable will be supported where:

- a) They are located in an appropriate industrial area or on brownfield land.
- b) They are located at an existing active mineral or landfill site and the facility will be removed on completion of the landfill or mineral extraction
- c) on operation or mineral sites the operations would not prejudice or delay the approved restoration of the site.
- d) they are accompanied by a revised scheme for restoration
- e) they will not result in adverse impacts on European designated sites

The LDP2 also allocates Binn Eco Park as part of an established Waste Management Site and includes a boundary around the Waste Management Site which contains the existing operation together with scope for expansion within the site.

The proposal does not involve the processing of inert waste but it can be argued that the proposal involves recycling of the waste and repurposing to utilise the waste as a visual screen bund. The bunds are, however, located on a greenfield site, outwith and to the east of the Binn Farm Waste Management Site as allocated in the LDP2. The LDP2 allocates the wider waste management site in the plan and the boundaries allow scope for expansion of the facility.

The proposal, given it is located on a greenfield site, therefore fails to meet the requirements of Policy 37(a) which seeks to ensure that proposals for the disposal of inert and construction waste are located in an appropriate industrial or brownfield area as the site is currently a greenfield site. The site is also remote from the existing waste management facility and therefore fails to meet category (b) of the Policy 37.

As mentioned above, the purpose of the bunds is to act as a visual screen of four recently erected wind turbines from nearby residential properties to the east of the site. It is therefore necessary to consider whether the benefit to the visual amenity of neighbours is of such a significant level to merit approval of the proposed bunds as a departure from the LDP2.

During earlier pre application discussions a positive response was provided for the proposed bunds despite the fact that they are located outwith the allocated Waste Management Site. This positive response was, however, provided on the understanding that there was general support from the residential neighbours to the east. The disposal of inert waste in this manner, outwith the Waste Management Site, was initially indicated to potentially be acceptable as a departure from the Development Plan, specifically because the proposal sought to address the concerns of neighbours regarding the visual impact of the existing wind turbines. A neighbour to the east, as well as the Abernethy Community Council have objected to the application. As mentioned above the principal purpose of the bunds, according to the applicant's submission, is to provide screening from neighbouring residential properties of the recently erected wind turbines. The sectional drawings submitted with the application indicate that the height of the proposed bunds will partially screen both turbines 3 and 4 from the nearby dwellings but they will not fully screen the turbines, as parts of the blades of turbines 3 and 4 will still be visible. It is understood that the hopes of the nearby residents were that the bunds would screen the entirety of the turbines when viewed from their property. The letters from the nearby neighbour and Community Council object to the formation of the bunds due to their lack of height and the indication within the submission that they will not screen the entirety of the turbines when viewed from the nearby residential properties. Given that the bunds are proposed to address a perceived issue of visual amenity from particular properties and that one of these properties has objected to the application, the applicant was asked to clarify the reasoning behind the height of the bunds and was asked to clarify whether they still wished to proceed with the application in light of the objection from the nearby neighbour and that received from the Abernethy Community Council. They were also asked to increase the height of the bunds in order to address the concerns expressed by a neighbour and the Community Council. The applicant has indicated that:

"The design height of the bunds is a combination of the available land footprint for a secure base and the angle of slope of the sides to ensure stability and avoid risk of slippage or silt run-off. When we started the process our ambition was to fully screen the turbines from neighbouring properties and the initial concept design was based on that ambition. When our engineers progressed however to a more detailed design it became apparent that the footprint was constrained due to the presence of an existing overhead power line and also some springs in the vicinity. The key issue was also that our engineers felt that the angle of slopes had to be limited to ensure safety and stability (particularly given the nature of the infill materials which are not purchased materials with known structural properties) and to limit the risks of silt run-off as identified by SEPA. The outcome of these factors was a reduced height. This was the maximum height that the engineers felt comfortable with while still achieving as much screening as possible. We acknowledge this is a compromise position and does not fully achieve our initial objective. We believe however that this is a workable compromise which does deliver significant screening of the turbines and would hope that in time the local residents would appreciate that this delivers an improved situation."

The applicant also indicated that they wish for the application to be determined as submitted.

The Council, through the decision taken by the Development Management Committee in 2014 on application 14/01970/FLL has accepted the visual impact of the turbines. It should therefore be made clear that the Council does not require the bunds to be formed from a visual amenity perspective. The bunds have been proposed by the applicant as a mechanism to reduce the level of perceived visual impact of the turbines due to concerns being raised by nearby neighbours.

One of the affected neighbours and the Community Council have objected to the application, stating that the proposed screening offered by the bunds is not to a satisfactory level and that the bunds do not meet the aim indicated in the submission of fully addressing their visual amenity concerns.

As a result of the above, the justification for the formation of the bunds, contrary to the Development Plan and outwith the allocated Waste Management Site is not considered to be sufficiently robust to merit approval of the bunds contrary to the Development Plan, given the objections received by those who are proposed to benefit from their construction. Therefore, it is concluded that the proposed bunds are contrary to Policy 37 of the LDP2 and there are no material considerations apparent which would merit a departure from the Development Plan.

Should further discussions be undertaken between the developer and the neighbour(s)/Community Council regarding the height of the bunds and the extent of screening provided, the Council would be content to reconsider this position.

The placemaking policies of the LDP2, 1A and B are relevant to this proposal as are policies 38A and 41 which relate to ecology. Policy 55 and 56 relate to light and noise pollution and seek to ensure that development and operations do not detrimentally impact upon the amenity of nearby residential receptors are also relevant, as is Policy 60B which relates to traffic generation. Policy 39, relating to landscape and 27A relating to listed buildings are also relevant. A detailed assessment under these policies is provided below.

Residential Amenity

As outlined above policies 55 and 56 of the LDP2 relate to light and noise pollution and seek to ensure that light and noise from operation and construction of a development do not impact detrimentally on nearby residential receptors.

The closest residential property to the proposed bunds is Mountquharry House which is located approximately 140m north east of Bund A and 240m east of Bund B. Beyond Mountquharry House is a further residential property called Grampian View which located further north east.

The submission indicates that the bunds will likely take between 3-5 years to be fully constructed given that their formation is subject to receipt of the appropriate amount of inert waste. A letter of representation has been received which raises concerns regarding the extent of works involved and the length of time it will take to form the bunds and the associated length of perceived disturbance which would occur from the

construction operations associated with the bunds. The submission indicates that the construction works would involve HGV movements into the site to transfer the inert waste (up to 10 movements per day), together with onsite operations to form the bunds over a 3-5 year period (depending on how much waste is collected). The submission indicates that works will be undertaken between the hours of Monday to Friday 0700-1900 hrs and Saturday 0800-1300. The works are therefore likely to involve lighting of the site during hours of darkness.

There is some reference to how the bunds may impact on any noise from the operation of the turbines. The installation of the bunds will have a negligible overall effect on the operational noise from the wind turbines and the trees which are proposed to be planted on the bunds would also have a negligible effect on physical screening of operational noise. The impact on any noise from the turbines is therefore not considered to have any bearing on the assessment of the application for the bunds.

The applicant states that the "Construction of the bunds would evolve over time, as material becomes available to form the bunds. This would result in very low-key activity, which would occur infrequently during this time."

There is proposed to be a temporary construction compound which will store materials, welfare facilities and parking for plant. The temporary welfare facilities area will house: the site manager's cabin with messing facilities and drying area; self-contained toilet facilities; an electrical generator and a fuel storage / refuelling area.

There is the potential during the construction period of the bunds that noise and dust may affect the residential amenity of neighbouring properties and therefore a Construction Environmental Management Plan (CEMP) has been submitted which seeks to demonstrate measures to minimise impacts of dust and noise during construction. EH have provided comments on the CEMP and indicated that further clarification is required in relation to speed limits for vehicles and clarification on what would trigger "temporary covers" for the earthworks to limit dust creation. EH go on to state that subject to these matters being addressed they have no objections to the proposed bunds subject to approval of the CEMP and its implementation, a condition to limit construction hours and a condition which ensures that all lighting is sufficiently aligned to ensure there is no illumination of neighbouring land or light spillage.

As indicated above, the submission indicates that operations will be ad-hoc given that the bunds will be formed as and when inert waste becomes available and therefore there are unlikely to be constant ongoing operations on site. As a result, the extent of impact on residential amenity is not considered to be so substantial to merit refusal of the application on residential amenity grounds, particularly given that Environmental Health have offered no objection to the application. Should any permission be granted this should be subject to the conditions referenced above and subject to a condition which ensures the CEMP is updated to reflect the requirements of EH. Subject to these conditions the proposed development is considered to comply with the requirements of policies 55 and 56 of the LDP2.

Landscape and Visual Impact

The proposed site falls within the Ochil Hills Local Landscape Area and given the nature and location of the proposal there is potential for landscape and visual impacts.

Policy 39 sets out a number of criteria which the development will be required to consider as part of an application. This includes both the landscape bunds as well as the proposed access track to link from turbine 3.

It is noted that the landscape bunds are proposed in order to address impacts on the visual amenity of neighbouring residential properties from the recently constructed turbines. Notwithstanding any assessment on the landscape/visual impact of the proposal, the scale of the bunds are not considered to be insignificant. The justification of the bunds in relation to protecting the visual amenity of neighbours requires to be balanced against the landscape/visual impact that they will have.

The submission includes sectional drawings showing the maximum height of the proposed bund, these include their relationship to existing site contours and land form. A Zone of Theoretical Visibility (ZTV) also accompanies the application. The landscape & visual impact assessment states that the skyline in the vicinity of Mountquharrie currently contains views of the existing wind turbines and that the bund locations would alter the skyline by screening "some" of the visibility of the wind turbines. The proposed bunds generally follow the undulating "hummocky" nature of the landscape and therefore are not considered to look out of place or impact significantly on visual amenity once fully formed. It is, however, noted that the construction of the bunds will alter the visual amenity of the area for an extended period during the 3-5 year construction period due to ground preparation works, earth movement and construction vehicle activity. The LVIA concludes that the visual effects of the construction operations would be limited to properties at Mountquharrie and Grampian View and that they will benefit in the long term due to reduced visibility of the turbines. As outlined in the Representations section above, the impact of the extended period of construction on the visual and residential amenity of neighbouring residential properties was raised as a matter of concern. As mentioned above the temporary visual impact of the construction of the bunds requires to be weighed against the extent of benefit which would result from the bunds to nearby residential properties. It is considered that the temporary visual impact of construction operations would be acceptable should the bunds be of sufficient benefit to the neighbouring properties through reduced visibility of the turbines. However, given the representation to the application, the benefit of the bunds and therefore the conclusion within the LVIA that the impact during construction will not be significant is considered to be overstated.

Nevertheless, following assessment of the ZTV and associated LVIA, and the position of the bunds on an undulating area, the landscape is considered to be capable of accommodating the proposed bunds without detriment to the wider landscape character of the area. Once the bunds are completed, the impact on visual amenity is considered to be negligible given the undulating nature of the land form. Furthermore, whilst it is recognised that the visual amenity of the area will be altered during the construction period this is not considered to be of such a significant level to merit refusal of the application on visual amenity grounds.

Traffic and Road Safety

Policy 60B of the LDP2 seeks to ensure that traffic generation is at an acceptable level and seeks to ensure that proposed development does not detrimentally impact on road safety. A Transport Assessment (TA) accompanies the application. The construction of the proposed development is expected to take 3-5 years. This is an extended period

due to the variability in supply of suitable inert waste materials for use in construction, however during this construction period, the TA concludes that there would be limited impact on the public road network. The TA indicates that there are likely to be 10 additional HGV movements per day for the duration of the construction period.

The level of increased HGV movements associated with the development has been classed as negligible in the submission and this conclusion has been accepted by PKC Transport Planning. Of the potential volume of inert wastes required to build the landscaped bunds a high percentage of this will be sourced from existing waste streams already handled at Binn Farm. The balance of any additional tonnage per annum would be expected to arrive in bulk delivery vehicles. This results overall in a very small potential number of additional HGV movements per day i.e. potentially up to 10 (5 in and 5 out).

The majority of any potential additional traffic flow will be on the A90 Junction 9 via the A912 to the site entrance, close to the junction with the B996. The comparison of the proposed changes in vehicle movements with the reported local traffic flows demonstrates that it is expected the local road network can adequately absorb the generated traffic from the facility with no adverse effect on the capacity of the local road network, including the effect on the risk of accidents and effects on pedestrian use and amenity.

It is also recognised that there were historically higher numbers of vehicle activity at Binn Eco Park associated with the former land fill site which the local road network catered for at that time. The level of additional HGV movements associated with the development is considered to be acceptable from a road safety perspective and the proposal is considered to comply with Policy 60B of the LDP2. The impact which vehicle movements on the immediate site may have on residential amenity is considered in more detail within the residential amenity paragraph above.

Private Water Supplies

The most easterly bund appears to be close to the private water supply (PWS) serving Mountquharrie House, and the movement of heavy machinery near the PWS may have a deleterious effect on the supply and/or distribution network.

During pre-application discussions SEPA identified four Private Water Supplies (PWS) near the site and advised that a fifth, Catochil Farm was also likely to have a PWS.

The submission states that "Previous planning applications for the site identify a private water supply at approximately 318212, 713625 (150m southwest of Bund No. 1) which served the properties at Catochil. The submission indicates that this private water supply is currently disused, as the properties at Catochil have a mains water supply. The Council's Private Water Team have reviewed the submission and have offered no objection subject to a condition which protects existing supplies.

Cultural Heritage

The group of buildings at Catochil to the west of the site are listed buildings and therefore the impact which the bunds have on their setting is relevant to this proposal. Policy 27A is relevant and seeks to ensure that the setting of listed buildings is not detrimentally impacted upon. Given the distance between the site and the listed

buildings and the presence of the intervening turbines the setting of the listed buildings is not considered to be detrimentally impacted upon. The proposal is therefore considered to comply with policy 27A of the LDP2.

Hydrology and Hydrogeology Impacts/Water Environment

SEPA provided pre application advice on the potential risk to groundwater from the proposed landscaping bunds in August 2020. The review concluded that more information was required on the origin and nature of the waste, and that a risk assessment should be undertaken for the water environment.

A risk assessment and a Construction Environmental Management Plan (CEMP) have been provided as part of the application and these have been reviewed by SEPA.

The CEMP states that an application will be made to SEPA to authorise the construction of the bunds as a Paragraph 19 Exemption from Waste Management Licensing. These authorisations are for the use of the waste for the purpose of construction or other relevant works. Sites operating under a paragraph 19 exemption can only use wastes listed in Table 11 of Schedule 1 to the Waste Management Licensing (Scotland) Regulations 2011 (as amended).

In relation to hydrology and hydrogeology, the site is approximately 100m from a mapped spring and unnamed burn that flow northwards to its confluences with the Ballo Burn.

The site lies within the Glenfarg bedrock groundwater body. This groundwater body is currently assessed at the regional scale as being at 'Good' status. There are no superficial deposits mapped at the proposed location. The bedrock geology comprises andesites, igneous rock of the Ochil Volcanic Formation. This is classed as being a fractured low productivity aquifer.

The bedrock aquifer groundwater vulnerability from pollution is classed as 5, on a scale of 1 low to 5 high.

For waste to be defined as 'inert waste' the total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water or groundwater.

The Hydrology and Hydrogeology Impact Assessment reports that construction materials will be sampled "to confirm leachability and ensure that only suitable inert substrates are used". Leachability tests in line with Landfill Waste Acceptance Criteria (WAC) for inert wastes are to be carried out. There are no significant excavations below ground nor is any dewatering proposed. SEPA have offered no objection in terms of impact on hydrology or hydrogeology subject to the leachability tests which are outlined within the submission.

Flood Risk

PKC Structures Flooding have been consulted and have indicated that the Ballo Burn is a flood sensitive water course and it is therefore critical that run off rates are not increased in the catchment. They have suggested that the developer considers further

mitigation to limit any potential increased run off from the bunds. A potential may be cut off drains/swales along the down slope of the bunds. This could be secured by condition should any planning permission be granted.

Ground Water Dependant Terrestrial Eco System (GWDTE)

The nearest water-dependant designated special area of conservation (SAC), Turflundie Wood, lies approximately 700m east of the site on the opposite side of Ballo Burn, and is upslope topographically, it is therefore highly unlikely it would be a receptor of any groundwater contamination originating from this site. The supporting documentations states that there are two areas on non-designated GWDTEs next to one of the bunds. The section further reports that 1) the potential for contamination of the GWDTEs is negligible as the material will be checked to confirm it is inert and 2) the bunds will not be capped, they will be free draining, and therefore groundwater flow to the GWDTEs will not be hampered. The two engineered landscape bunds footprints are entirely within improved grassland habitat, with negligible conservation value. SEPA have accepted the conclusions of the submission in relation to GWDTE.

Waste Materials from Bunds and Pollution Potential

The bunds are proposed to be formed of inert waste available to the eco park at the time of construction mainly from the Binn Skips Ltd facility within the ecopark. It also states that materials from other sources may be used such as from third party construction/demolition. The expected amount of waste from off site is not detailed, but previously at pre application stage it was stated as 80% from existing operations at the Binn Ecopark and 20% from external sources. The submitted CEMP provides an indication of the types of waste to be used to form the bund material and includes; concrete, bricks, tiles and ceramics, soil and others. On that basis the proposal is not considered to result in any pollution concerns.

Ecology

Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 700m from the application site. The site is important for its population of breeding great crested newts, which is the only known breeding population in east Perth & Kinross, and for its assemblage of breeding amphibians, which is the richest in east Perth & Kinross. Policy 38A of the LDP2 is therefore relevant as is Policy 41 which relates generally to ecology and biodiversity.

Woodland listed on the Ancient Woodland Inventory (Glen Wood) is located adjacent to the application site. Although not legally protected, Ancient Woodland Inventory sites are important and irreplaceable habitat and the Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage of Ancient Woodland.

The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. 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.

The submission includes an ecology survey. Nature Scot have been consulted and accept the conclusions of the ecology survey and consider the distance between the site and the designated areas to be sufficient to ensure there is no detrimental effect. The Council's Bio Diversity Officer has also been consulted and states that the Ecology Report summarises survey data from 2012-2020 and provides a detailed impact assessment. As the proposed development site is a field of improved grassland for grazing animals, semi-improved neutral grassland, with scrub habitat of gorse, it is concluded that no impact on ecological interests will result from the development. The submission also includes a Construction Method Statement which includes a commitment to appoint an Ecological Clerk of Works for the duration of construction which is welcomed and could be secured by condition should any permission be granted.

On that basis the responses from both Nature Scot and the Council's Bio Diversity Officer, the proposal is considered to comply with policies 38A and 41 of the LDP2.

Developer Contributions

The Developer Contributions Guidance is not applicable to the proposal and therefore no contributions are required in this instance.

Archaeology

Perth and Kinross Heritage Trust have been consulted and have indicated that there is potential for archaeological remains on the site and therefore they have recommended a condition to ensure the implementation of a programme of archaeological works in accordance with the requirements of policy 26B of the LDP2.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application which merited re-advertisement of the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been

taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:

Reason for Refusal

The proposal is contrary to Policy 37 of the Perth and Kinross Council Local Development Plan 2 (2019) (Management of Inert and Construction Waste) as the proposal does not involve recycling or processing of inert and construction waste on an appropriate industrial area or brownfield land and is not located at an existing active mineral or landfill site. The proposal involves the creation of landscaped bunds on a greenfield site and the justification for the bunds, to improve the visual amenity and screen wind turbines from neighbouring residential properties, has not been demonstrated to a satisfactory degree to justify a departure from Policy 37.

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

01

16

05

02

03

04

06

07

08

09

10

14

11

12

13

15


- Notes:
1. The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
 2. Work to figured dimensions only.
 3. This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.

Key:

As-Built Infrastructure:	
Substation:	
OH Cable:	
OH Masts:	
Planning App Boundary:	
Approx = 1.7Ha	
Access Route:	

DO NOT USE FOR CONSTRUCTION

REV:	DESCRIPTION:	BY:	CHKD:	APP'D:	DATE:
STATUS: DRAFT					



Green Cat Renewables Ltd
Slieve House
ROSLIN
EH23 9RE
0131 541 0060
www.greencatrenewables.co.uk

CLIENT:
Renewables

PROJECT: Binn Wind Farm

PROJECT NUMBER: B3135-01 (6) 501

PROJECT TITLE: Bund Design

PROJECT DESCRIPTION: Planning Boundary & Access Overview

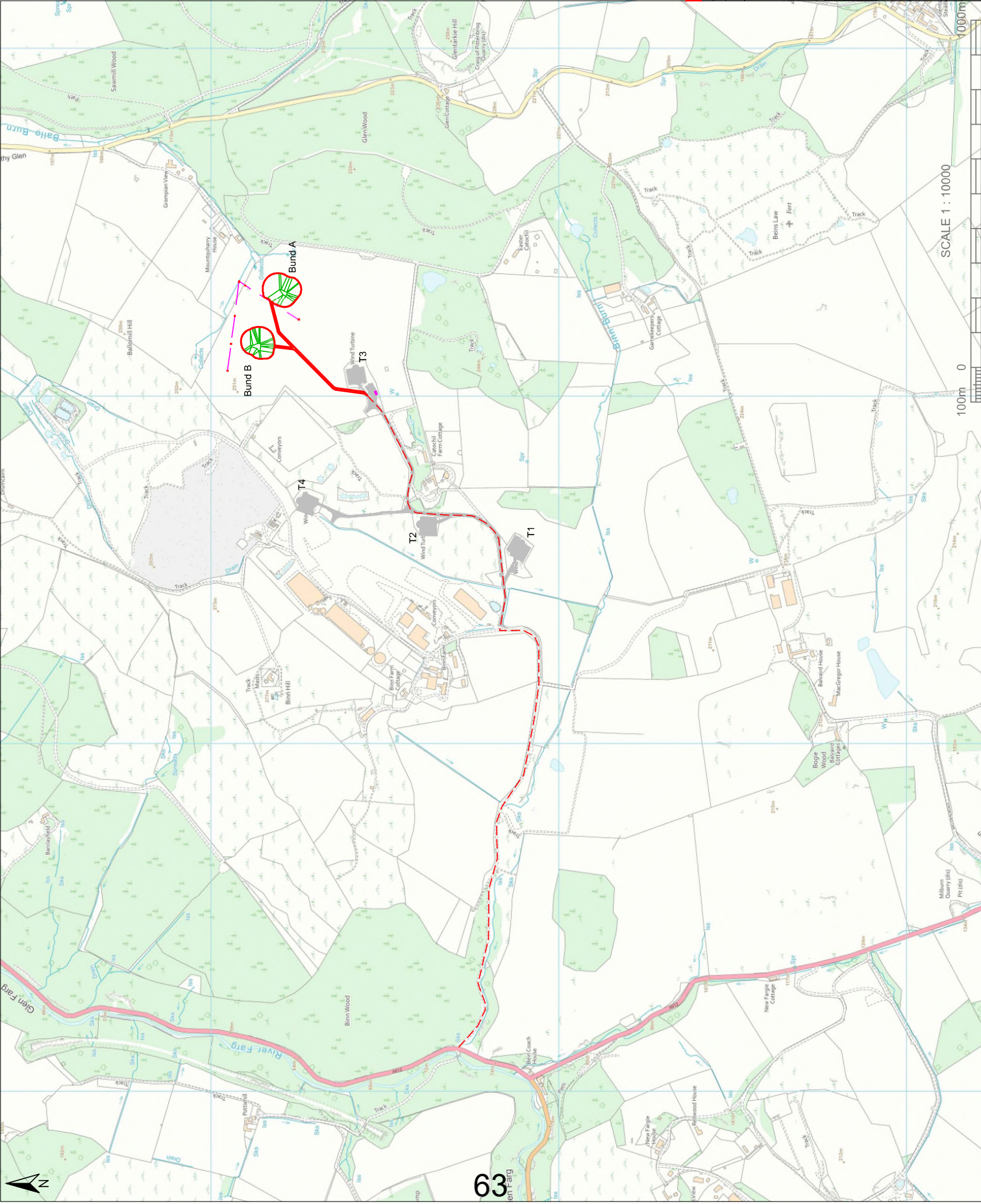
DATE: 29.03.21

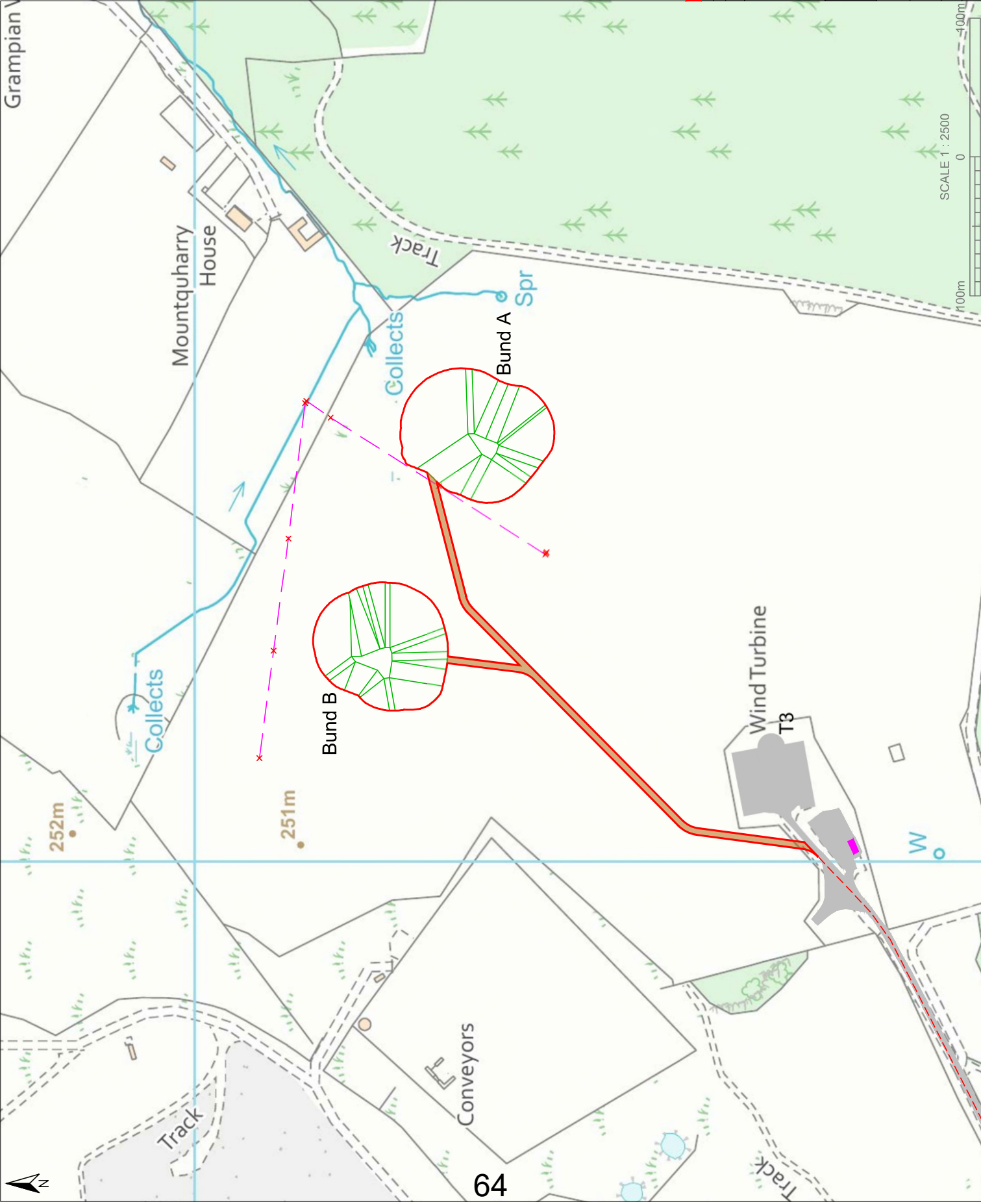
SCALE: 1:10,000

BY: SC

APP'D: GD

REV: 1





- Notes:
1. The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
 2. Work to figured dimensions only.
 3. This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.

Key:

As-Built Infrastructure:	
Substation:	
OH Cable:	
OH Masts:	
Planning App Boundary:	
Approx = 1.7Ha	

DO NOT USE FOR CONSTRUCTION

REV:	DESCRIPTION:	BY:	CHKD:	APPD:	DATE:
STATUS: DRAFT					

Green Cat Renewables Ltd
Slobo House
ROSLIN
EH23 9RE
0131 541 0060
www.greencatrenewables.co.uk

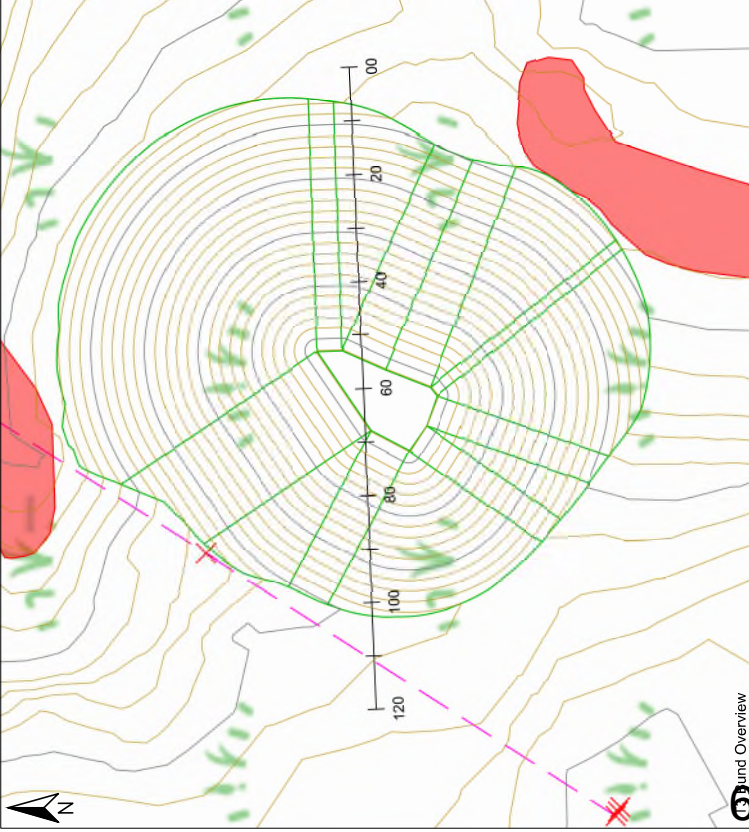
CLIENT:
Renewables

PROJECT: Binn Wind Farm

DWG TITLE: Bund Design
Planning Boundary & Access

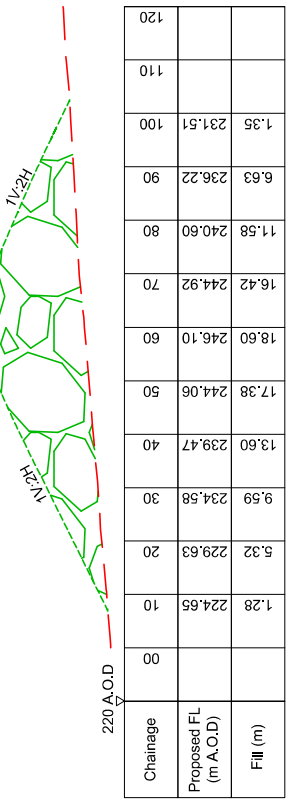
DATE: 26.03.21
SCALE: 1:2500
1:500

DRAWN BY: CT
CHECKED BY: SC
APPROVED BY: GD
PROJECT NUMBER: B3135-01 (6) 500
REV:



T3 Bund Overview

T3 Bund Cross Section



Chainage	Proposed FL (m A.O.D.)	Fill (m)
00	1.28	224.65
10	5.32	229.63
20	9.59	234.58
30	13.60	239.47
40	17.38	244.06
50	18.60	246.10
60	16.42	244.92
70	11.58	240.60
80	6.63	236.22
90	1.35	231.51
100		
110		
120		

- Notes:
- The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
 - Work to figured dimensions only.
 - This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.
 - Contours have been set at 1m intervals.
- Key:
- Existing Ground Level:
 - Proposed Bund:
 - OH Cable:
 - OH Masts:
 - Fill Slopes:
 - Protected Areas:

DO NOT USE FOR CONSTRUCTION

REV	DESCRIPTION	BY	CHECKED	DATE
A	T4 Bund Increased Height	CT	SC	GD

STATUS: 13.10.20

green cat

Renewables

Stobo House
ROSLIN
EH23 9RE
0131 541 0060
www.greencatrenewables.co.uk

CLIENT:

Green Cat Contracting

PROJECT:

Binn Wind Farm

DWG TITLE:

Bund Design (1V2H)

Cross Sections

DATE: 14.09.20

DRAWN BY: CT

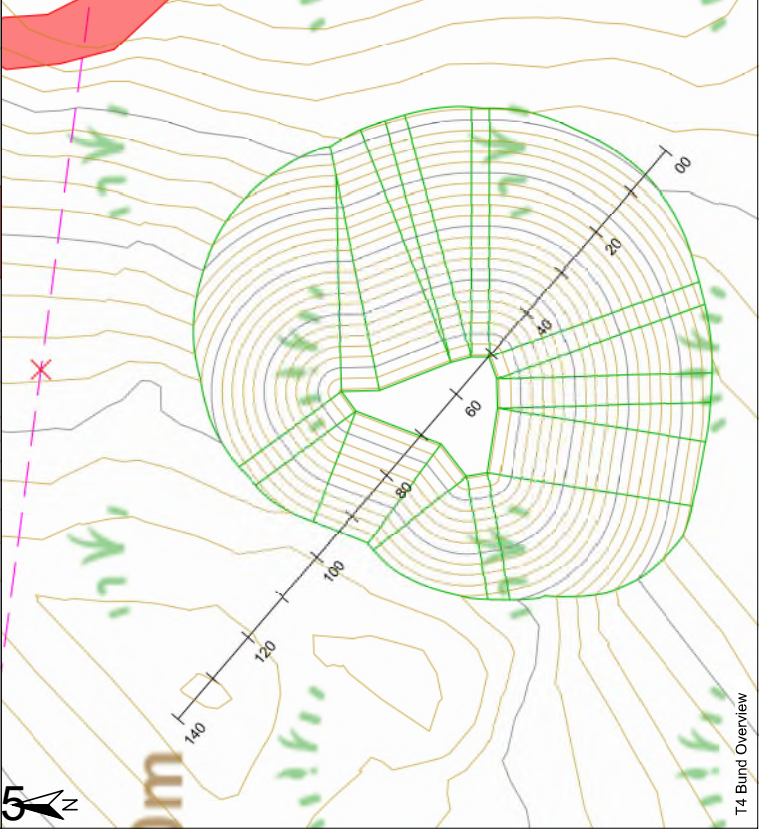
CHECKED BY: GD

APPROVED BY: GD

SCALE: 1:1000

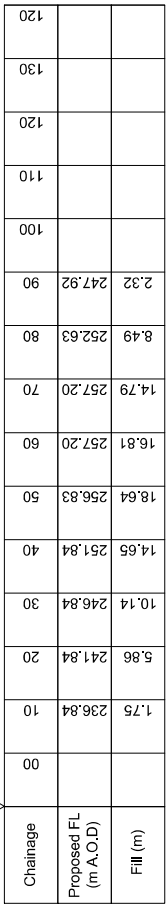
PROJECT NUMBER: B3135-01 (SK)

REV: A



T4 Bund Overview

T4 Bund Cross Section



Chainage	Proposed FL (m A.O.D.)	Fill (m)
00	1.75	236.84
10	5.86	241.84
20	10.14	246.84
30	14.65	251.84
40	18.64	256.83
50	16.81	257.20
60	14.79	257.20
70	8.49	252.63
80	2.32	247.92
90		
100		
110		
120		

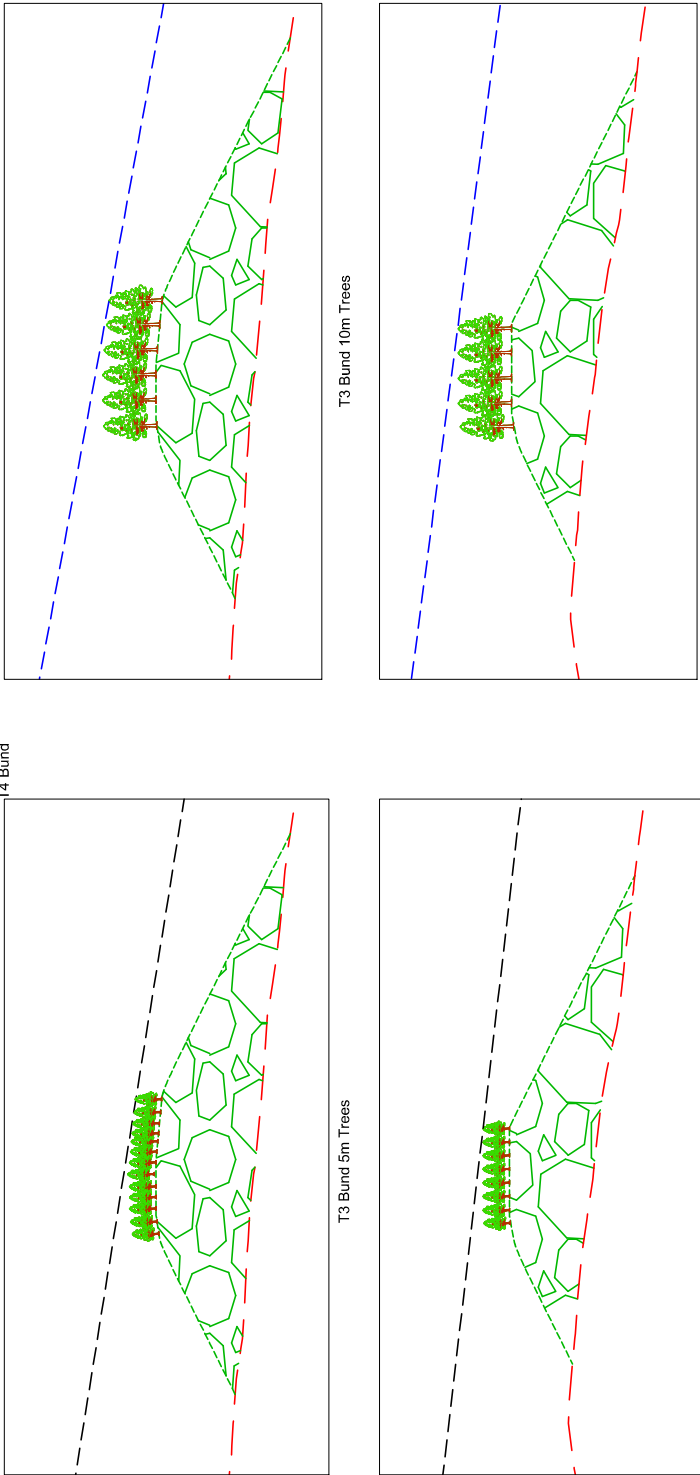
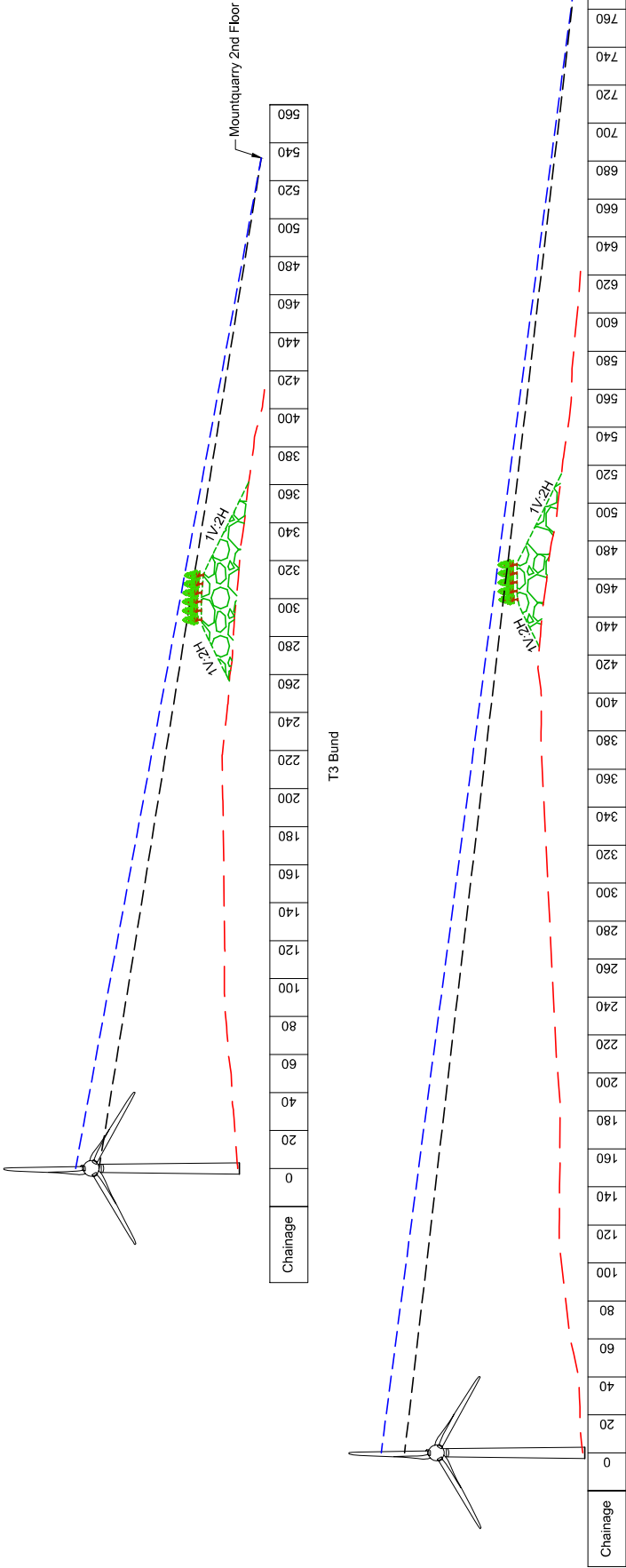
SCALE 1 : 1000



Notes:

1. The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
2. Work to figured dimensions only.
3. This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.
4. Refer to "Bund Design Overview B3135-01 (SK) 600" for chainage details.
5. Tree heights to scale, spacing indicatively shown. Spacing to be agreed on site with relevant personnel

Key:	
Existing Ground Level:	
Proposed Bund:	
Mountquarry Projection Line: (5m Trees)	
Mountquarry Projection Line: (10m Trees)	



DO NOT USE FOR CONSTRUCTION

A	T4 Bund Increased Height	CT	SC	GD	13.10.20
REV:	DESCRIPTION:	BY:	CHKD:	APPD:	DATE:
STATUS:					

Green Cat Renewables Ltd
Stobo House
ROSLIN
EH23 9RE
0131 541 0060
www.greencatrenewables.co.uk

CLIENT:

Green Cat Contracting

PROJECT:

Binn Wind Farm

DWG TITLE:


Bund Design (1V2H)
Long Sections


DATE:	DRAWN BY:	CHECKED BY:	APPROVED BY:
02.10.20	CT	GD	GD
SHEET NO:	PROJECT NUMBER:	REV:	
1:2,500	B3135-01 (SK) 601		A





- Notes:
1. The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
 2. Work to figured dimensions only.
 3. This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.
 4. Contours have been set at 1m intervals.


Key:


Turbine Foundation: 


Hardstandings: 

Lay Down Area: 

OH Cable: 

OH Masts: 

Fill Slopes: 

Protected Areas: 

Original T4 Bund Information:
Approx Area: 3,095m²
Approx Volume: 13,783m³

DO NOT USE FOR CONSTRUCTION

A	T4 Bund Increased Height	CT	SC	GD	13.02.20
REV:	DESCRIPTION:	BY:	CHKD/APPD:	DATE:	
STATUS:					

SKETCH

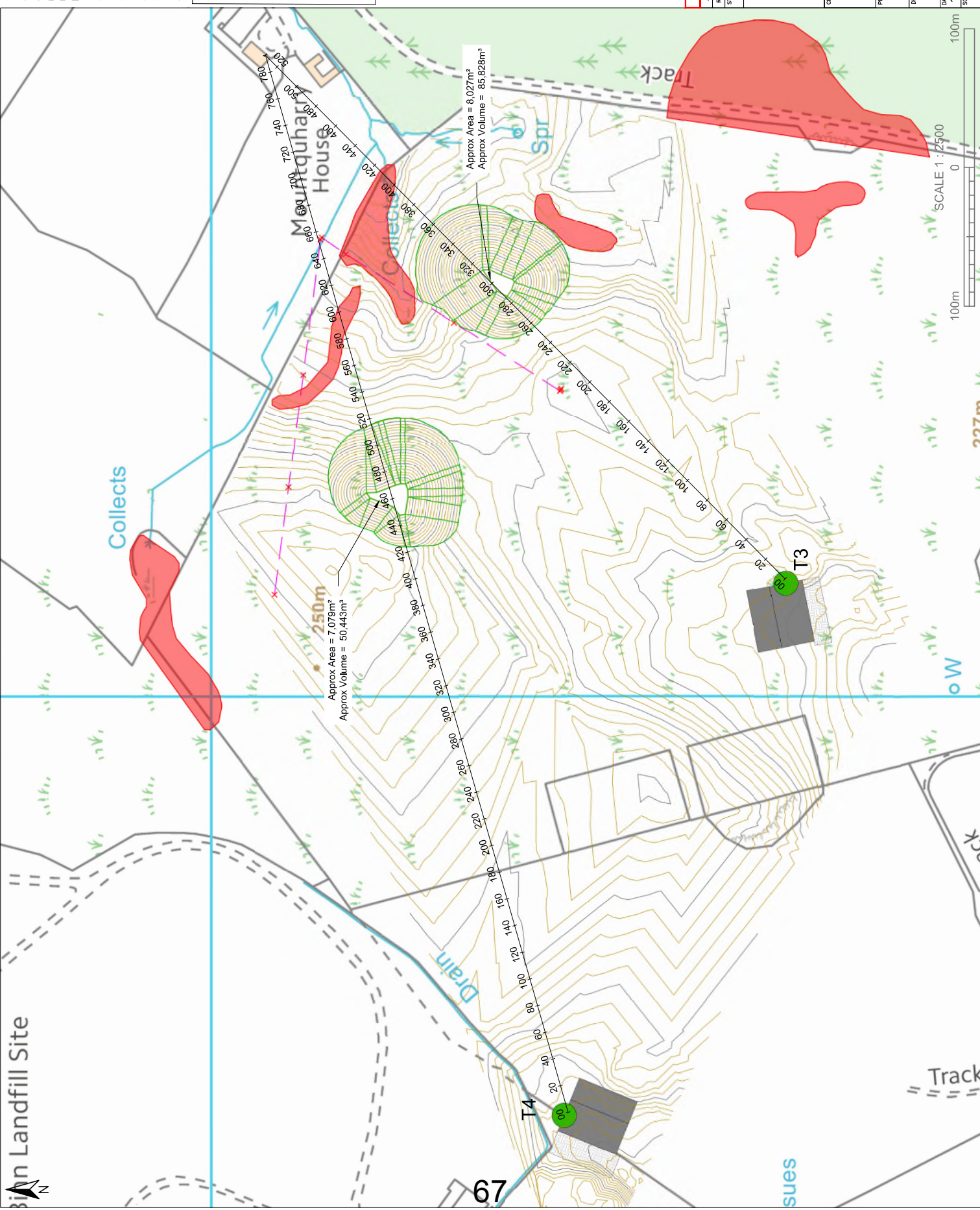

Green Cat Renewables Ltd
Slieve House
ROSLIN
EH23 9RE
0131 541 0060
www.greencatrenewables.co.uk

CLIENT: Green Cat Contracting

PROJECT: Binn Wind Farm

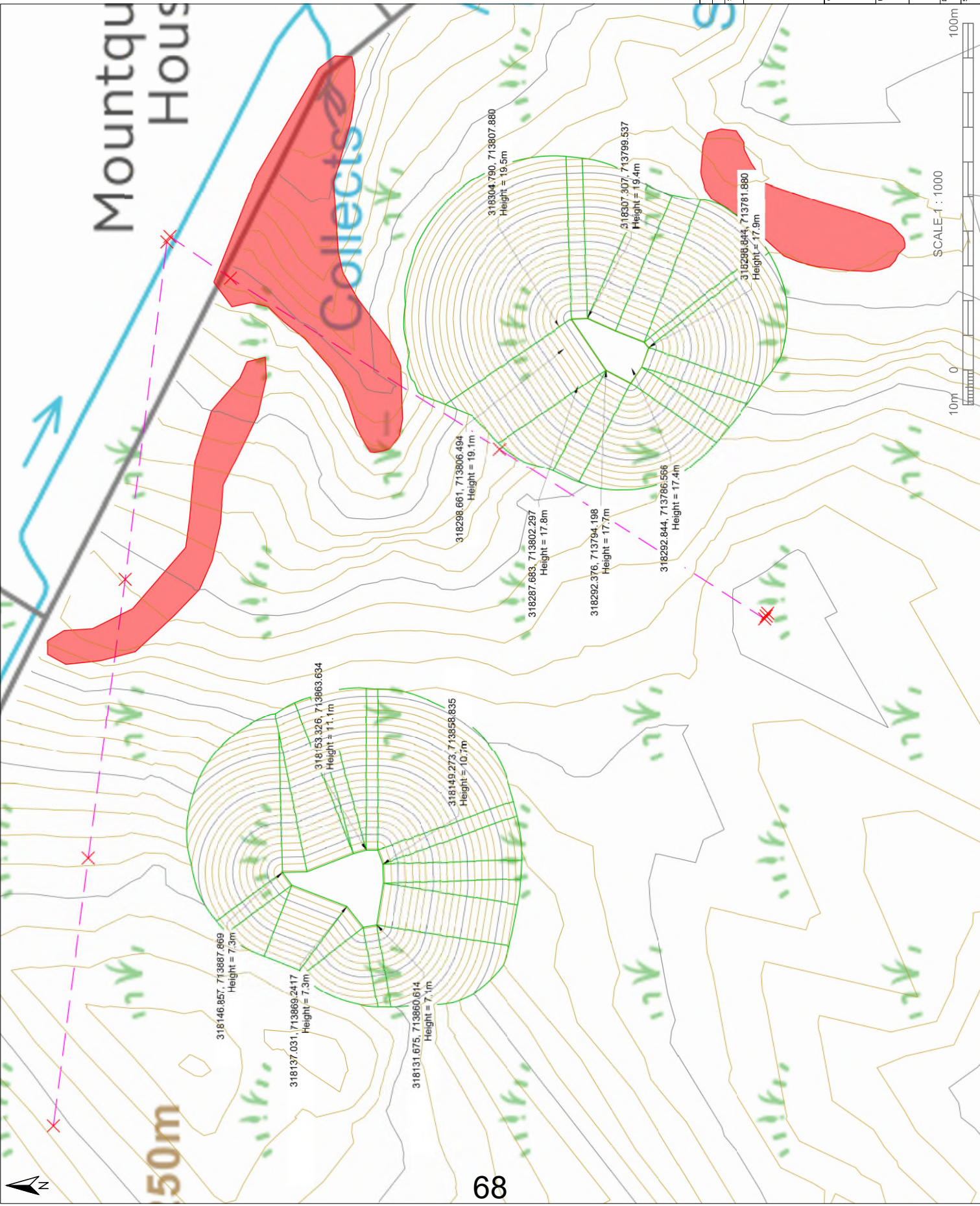
DWG TITLE: Bund Design (1V2H)
Overview

DATE	DRAWN BY	CHECKED BY	APPROVED BY
14.09.20	CT	GD	GD
SCALE	PROJ. NUMBER	REV.	
1:2,500	B3135-01 (SK)	600	A



SCALE 1 : 2,500

100m 200m

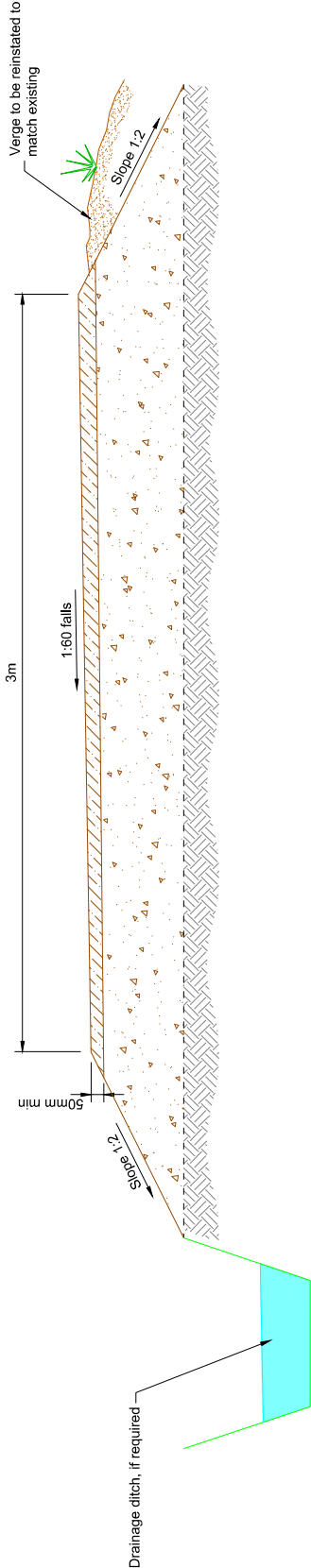
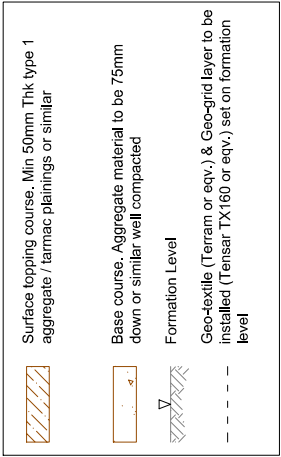


Notes:

1. The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
2. Work to figured dimensions only.
3. This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.
4. Contours have been set at 1m intervals.

Notes:

- 1. The copyright of this drawing is vested in Green Cat Renewables Ltd and it may not be reproduced in whole or part or used for the manufacture of any article without the express permission of the copyright holders.
- 2. Work to figured dimensions only.
- 3. This drawing is to be read in conjunction with all relevant architect's, service engineer's and Green Cat Renewables Ltd drawings and specifications.

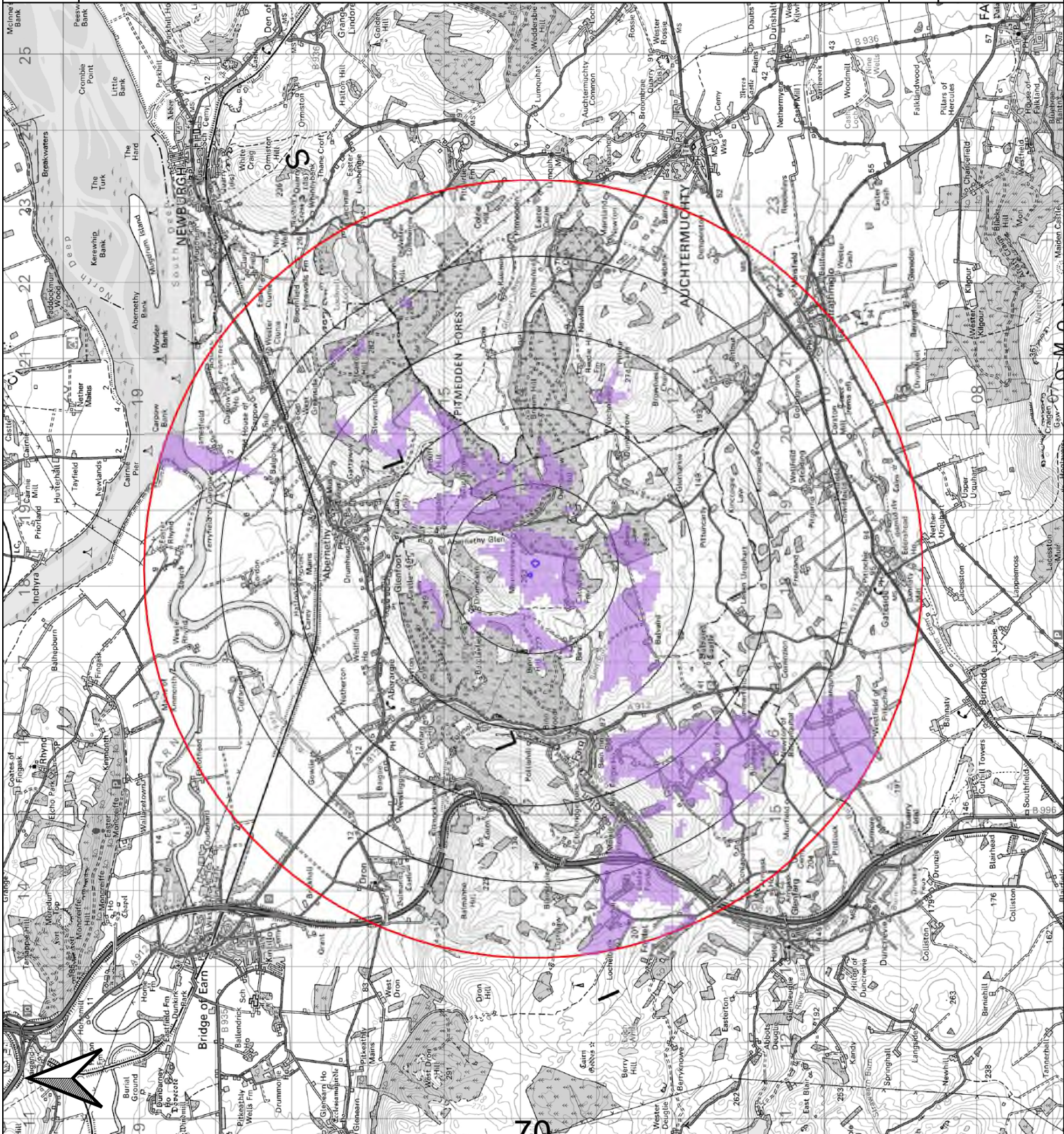


SCALE 1 : 20



A	Amended after clients comments	CT	SC	GD	26/04/21
REV:	DESCRIPTION:	BY:	CHKD/APPD:	DATE:	
STATUS:					
DESIGN					
Green Cat Renewables Ltd					
Stobo House					
ROSLIN					
EH23 9RE					
0131 541 0060					
www.greencatrenewables.co.uk					
Renewables					
CLIENT:	Binn Group Ltd				
PROJECT:	Binn Bund				
DRG TITLE:	Access Track Section				
DATE:	DRAWN BY:	CHECKED BY:	APPROVED BY:		
16.04.21	BC	LA	GD		
SCALE 1:20	PROJ. NO.:	ISSUE NO.:	REV:		
1:20	B3135-01	(SK)	700		

Project Name: Binn Bund	Client: Greencat Renewable Developments Ltd
Document Title: Bund Theoretical Visibility	Drawing by: Green Cat Renewables Ltd
Scale: 1:50,000 @ A3	Document Number: C3846-1051/Figure 4
Key:	Version: 0.1
 Proposed Bund Footprint	Author: IF
 1km Radii Buffer	Checked by: -
 5km Study Area	Approved by: -
 Bunds Theoretically Visible	Date: 16/03/2021



BINN ECOPARK – LANDSCAPE SCREENING BUNDS

**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN/
CONSTRUCTION METHOD STATEMENT**

March 2021

CONTENTS

1.	Introduction	1
1.1.	Purpose of Report	1
1.2.	The Site	1
2.	Scope of Works	1
3.	Management / Supervision Structure	2
3.1.	Key Contact Details	2
4.	Site Responsibilities.....	3
4.1.	Control of Access / Egress	3
4.2.	Site Working Hours	3
4.3.	Welfare Facilities and Construction Compound.....	3
4.4.	Materials	4
4.5.	Plant	5
4.6.	Mud/Bio contamination	5
4.7.	Training/Qualifications	5
4.8.	Reinstatement.....	5
5.	Environmental Management Plan.....	6
5.1.	Ecology.....	7
5.2.	Noise Management Plan	7
6.	Pollution Response Plan	9
6.1.	Identified Pollution Risks	9
6.2.	Water Management.....	10
6.3.	Chemical Spillage	10
6.4.	General.....	11
6.5.	Chemical, Product and Waste Inventory.....	11
6.6.	Waste Management.....	12
6.7.	Soil management	12
6.8.	Dust Management	13
6.9.	Training/Qualifications	14
6.10.	Emergency procedures	14
7.	Site Waste Management.....	15
7.1.	COSHH.....	15
7.2.	Site Toilets.....	15

8.	Construction Works	16
8.1.	Road and BUND Construction	16
8.2.	Drainage Trenches	17
9.	Summary and Conclusion.....	18
9.1.	Summary	18
9.2.	Conclusion.....	18
	Appendix 1 Materials for use in construction of bunds.....	19

1. INTRODUCTION

1.1. PURPOSE OF REPORT

This Construction Environmental Management Plan (CEMP)/Construction Method Statement (CMS) has produced to inform the Contractor of how construction works are to be undertaken such that the requirements of regulators (PKC, SNH and SEPA) are met. The CEMP/CMS is intended to support the construction for the Binn bunds.

The principal objective of this document is to ensure that safeguards are put in place to minimise any risks in the construction of the bunds. The document aims to provide a benchmark for best practice such that the construction phase of the bund is undertaken in such a manner as to avoid or minimise environmental impacts.

The CEMP/CMS provides a summary and explanation of the construction activities, nature of construction material and methodologies that will be employed. The sequencing of contractors on site, and the approaches that will be taken to minimise the impact of the project's construction on the surrounding area, are also included within this Report.

This document will be referred to by the Contractor for all construction activities, including excavations, handling and storage of excavated site-won materials, concrete works and subsequent site landscaping and restoration works.

No on-site construction will be allowed to proceed without agreement and acceptance of all plans and method statements by the Employer, Ecological / Environmental Clerk of Works (ECoW), and / or external bodies (statutory and non-statutory consultees and other stakeholders) where appropriate.

1.2. THE SITE

The site is to be located approximately 3.5km south west of Abernethy and 5.5km north east of Glenfarg, Perth and Kinross. The bunds are to be sited north east of the existing Binn Eco Park facility.

The proposed bunds are up to 18.6 m in height.

The site is to be accessed via the A912 and the existing Binn site road. From the Binn establishment, ~1 km of new track will be constructed to access the bunds.

2. SCOPE OF WORKS

The execution of works is going to be made by Binn Group.

The civil works required for the project will consist of constructing a new access track, drainage , the bunds and any reinstatement works required.

The proposed construction will involve the use of inert wastes as the construction material. Details of these materials, regulatory authorisations, sources and arrangements for handling are outlined in Appendix 1 of this CEMP.

The following construction methods and sequencing are not based on specific proposals but derived from construction principles gathered from experience of similar types and scale of projects. It should be borne in mind that construction methodology could vary slightly from that described depending on contractors' resources, landowner requests, plant ownership and preferred method of working.

As the project is currently in very preliminary stages, a precise construction programme is unknown at this point.

3. MANAGEMENT / SUPERVISION STRUCTURE

The Principal Contractor will manage the health, safety and welfare of the project during the construction phase. They will take reasonably practicable steps to avoid risks to employees, contractors and all others who may be affected.

Good management of Health and Safety is achieved by:

- Detailed forward planning;
- Good communication;
- Motivation;
- A strong sense of discipline;
- Training; and
- Measurement and review of performance.

It is the responsibility of the Contractor to ensure that all personnel on site, and those involved in the project, have a clear understanding of what is expected and the roles of each individual. The Contractor is required to follow best practice guidelines and specific Safe Systems of Work. Daily briefings should be carried out on site and the designated Site Manager should have extensive supervisory experience and training.

3.1. KEY CONTACT DETAILS

The contact details for the key personnel will be provided prior to commencing works.

At all times there will be good communications between all parties on the site and during both the design and construction works. The Principal Contractor will be responsible for all contractors on the site and any issues/conflicts should be brought to his attention in the first instance.

The overall project programme is the responsibility of the Project Manager in consultation with the Principal Contractor and the Client. Any wider technical and programme issues will be managed by the Project Manager.

4. SITE RESPONSIBILITIES

The key areas of responsibilities during work on site are as detailed in the following sections.

4.1. CONTROL OF ACCESS / EGRESS

The Principal Contractor will be responsible for control of access and egress from the site. All visitors and contractors on first arrival at site will report to the site manager where they will be inducted on site rules / information and, if appropriate, accompanied onto site. The site rules / information will include the following:-

- Designated area for site personnel's vehicles;
- Explaining the procedures to ensure delivery vehicles don't queue outside the site boundary;
- Informing of the traffic restrictions on and around the site;
- Stating that delivery vehicle engines are to be turned off while waiting to be unloaded;
- Contractor's signage will be in place during the works, warning road users of a construction access ahead, and of turning vehicles;
- To avoid unnecessary traffic, competent site management will ensure that materials will be delivered to site only as required. Materials will be stored as outlined in section 5.4;
- The location of storage areas will reflect the sites needs but will take into account the sensitivities of neighbouring buildings and occupants, and nearby watercourses.

In addition, warning boards will be erected along the site prohibiting unauthorised access and advising visitors of risks and providing contact numbers in case of any problems.

4.2. SITE WORKING HOURS

The site working hours will generally be 7.00am to 7.00pm Monday to Friday, and 8.00am to 1.00pm on Saturdays. Bank holidays and Sundays will not be worked, unless agreed in advance with the planning authority. There may be operational requirements to work outside these times, which will be discussed with and approved by PKC Environmental Health prior to implementation. Material deliveries may also be undertaken outside these times on certain occasions.

Construction activity involving audible noise is also restricted to these hours, unless specific prior authority has been granted by PKC Environmental Health.

4.3. WELFARE FACILITIES AND CONSTRUCTION COMPOUND

A temporary construction compound will be constructed in the early stages of the project. This will provide space for, material storage, temporary welfare facilities and parking for plant. The temporary welfare facilities area will house: the site manager's cabin with messing facilities and drying area; self-contained toilet facilities; an electrical generator and a fuel storage / refuelling area.

The construction compound area will be constructed with hardcore (typically 75mm aggregate) to provide a suitable and level working platform. Site office portable cabins will be founded on timber sleepers which are placed directly onto the hardcore.

The Principal Contractor will be responsible for the following list of site issues.

Good housekeeping:

- Segregating different types of waste as it is produced and arrange frequent removal;
- Keeping the site tidy and clean, as a tidy site is a safe site;
- Ensuring that no wind-blown litter or debris leaves site;
- Ensuring that material and plant storage areas are properly managed; and
- Ensuring site is secure.

Security measures:

- Ensure that potentially hazardous / valuable materials are well secured;
- Securing plant to prevent vandalism and immobilise plant and equipment over night;
- Ensuring that appropriate clean-up is undertaken promptly.
- Ensure gates and fences are secured when not in use

Following completion of the works the construction compound facilities will be removed and the areas returned to the original land use.

4.4. MATERIALS

The Principal Contractor will be responsible for the following tasks:

- Ordering the correct quantity of materials to arrive when they are needed to reduce the required storage time and risk of damage and theft;
- Establishing in what form materials will be delivered, so that the appropriate unloading plant can be arranged and space set aside;
- Ensuring deliveries are received by a member of site personnel who is able to carry out a quality inspection, and ensure that the materials are unloaded to an appropriate place and take action if an accident occurs; and
- Selecting packaging materials for deliveries that can assist effective/secure storage and movement of materials on site.

It should be noted that COSHH regulations will be observed by staff on site at all times.

Any materials delivered to site but found to be surplus to requirement will be either returned to the supplier for restock, taken to the contractor's yard to be re-distributed for use on other projects, or disposed of appropriately if no alternative option is available. Any topsoil stockpiled for later reinstatement is to be used to landscape and restore any affected areas in agreement with the landowners (Please refer to sections 5.8 and 9.8 of the CEMP for further details on site reinstatement). The topsoil shall consist of friable surface soil reasonably free of weeds, sticks, rocks or other unsuitable materials.

Spreading of soils shall not be performed when the ground or topsoil is frozen, excessively wet or otherwise in a condition detrimental to uniform spreading operations. Surfaces designated to receive a topsoil application shall be lightly scarified prior to the spreading operation. Where compacted earth fills are designated to be top soiled, the topsoil shall be placed concurrently with the earth fill and shall be bonded to the compacted fill with compacting equipment. Following the spreading operation, the topsoil surface shall be left without ruts/surface irregularities that may contribute to concentrated water flow downslope.

Any non-hazardous waste produced, primarily relating to packaging and off cuts, would be stored in a covered skip at the site compound and disposed of to an appropriate landfill or appropriate recycling centre. Re-vegetation of working areas will occur as soon as possible after construction.

4.5. PLANT

All contractors' plant will be well maintained, have up-to-date test certificates and where appropriate, plant will be insured.

Where possible, planned plant maintenance will occur off site at the plant hire or contractors yard. Should unplanned maintenance be required, mechanics will carry out the work with suitable drip trays, 'plant nappies' for any oils and greases used at the location, and will have an oil spill kit ready for use. Spill kits will be located in site vehicles, within the site office and in compound areas for ease of access.

4.6. MUD/BIO CONTAMINATION

Before leaving site, vehicles will be checked and where applicable wheels should be cleaned of extraneous mud/soil using a dry wheel wash. All vehicles leaving the construction site will require to pass through the wheel-wash located on the primary Binn access road before reaching the public highway. Any plant with tracks will be cleaned off before exiting site, as will excavator buckets and other attachments with the use of compressed air.

In the event that any mud or debris is inadvertently deposited on the public road, immediate action will be taken to clear it up.

4.7. TRAINING/QUALIFICATIONS

All contractors on site will carry current construction industry tickets and at all times at least one person on site will have an up-to-date construction supervision ticket. During the main element of the works there will be a trained site manager and first aider on site.

4.8. REINSTATEMENT

Reinstatement of the necessary areas involves the removal of all temporary works once the relevant phase of construction is complete. The original excavated material should be reinstated, compacted, and the original topsoil replaced on top of the compacted 'overburden' material. The finished profile will be graded to smooth contours, eliminating all mounds and depressions where water may collect. The area should then be returned to its original land use.

Tree planting with suitable species will be carried out at reinstatement to maximise the screening impact from the landscape bunds.

Final reseedling of affected areas is to be completed as soon as practicably possible after the relevant phase of work is complete. Should the reinstatement phase occur out with the growing season (March-October), the contractor will make use of biodegradable geotextiles to prevent erosion and silt pollution relating to the unconsolidated surfaces.

5. ENVIRONMENTAL MANAGEMENT PLAN

Environmental issues will be managed on site through measures which will include as appropriate:

- Ensuring everyone on site is aware of their responsibilities and liabilities;
- Site induction to ensure awareness of project environmental issues and standards;
- Ensuring everyone on site is aware of inert waste acceptance criteria and procedures for rejection of loads or for addressing and evidence of contamination of inert wastes by non-inert “active” materials
- Site personnel being made aware of spill or other contamination response procedures and storage requirements;
- Adequately protecting the site against vandalism, theft and breakage;
- Identifying nearby watercourses or ground water etc. and ensuring these are inspected regularly;
- Drains appropriately marked;
- Provision of fuel bunds and/or internally bunded tanks;
- Defining waste storage areas;
- Displaying environmental induction; and
- Displaying warning signs on site prominently.

A good environmental practice on site has many benefits; environmental, social and economic. These measures will include noise reduction, careful siting of on-site facilities and waste management.

Guidance and References

- CIRIA C504 – Engineering in glacial tills (1999)
- CIRIA C515 – Ground water control – design and practice (2004)
- CIRIA C522 – Sustainable Drainage Systems – Design Manual for England and Wales (2000)
- CIRIA C523 – Sustainable Drainage Systems – Best Practise Manual (2004)
- CIRIA C648 – Control of Water Pollution from Linear Construction Projects – Technical Guidance (2006)
- CIRIA C649 – Control of Water Pollution from Linear Construction Projects – Site Guidance (2006)
- CIRIA C692 – Environmental good practise on site (3rd Edition, 2010)
- CIRIA C753 – The SUDS Manual (2015)
- SEPA PPG1 – General Guide to the prevention of pollution (2013)
- SEPA GPP5 – Works and maintenance in or near water (2017)
- SEPA PPG6 – Working at construction or demolition sites (2012)
- SEPA GPP13 – Vehicle Washing and Cleaning (2017)
- SEPA GPP21 – Pollution incident response planning (2017)
- SEPA PPG22 – Incident Response – dealing with spills (2011)
- Drainage Impact Assessment – Guidance for Developers and Regulators (DP 300 3/02)
- Control of Dust from Construction Activities – Kukadie at al. BRE/DTI (2003)
- CIRIA C528 – Environmental Handbook for building and civil engineering projects – Part 2 C Construction
- CIRIA C532 – Control of Water Pollution from construction sites – Guidance for consultation and construction (2001)
- CIRIA X108 – Drainage of Development Site – A Guide
- The control of pollution (Oil Storage) (Scotland) Regulations 2006

5.1. ECOLOGY

The Ecological Clerk of Works (ECoW) would be appointed to oversee the construction of the development and ensure the above mitigation is implemented. More specifically, the ECoW is to:

- Ensure correct implementation the Environmental Management Plan (EMP) on site;
- Stop operations to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage;
- Provide an environmental / ecological tool box talk for construction staff prior to the commencement of development;
- Monitor watercourses and drainage features on and around the site for evidence of sediment and or other pollution;
- Amend working practices should it be required in the interests of Ecology;
- Relay any amendments to working practices to the Council, as an addendum to the approved EMP;
- Make weekly visits to the development site at a time of their choosing;
- Submit a detailed monthly report for the review of the Planning Authority, in consultation with SEPA, for the duration of the development construction phase;
- Provide advice and supervision for the planting of suitable tree species at reinstatement to enhance landscape screening impact and to enhance local biodiversity.
- Notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

With recommended best practice measures, it is thought unlikely that the Development will have any significant impacts to sensitive habitats and species. If any uncertainties arise during the Development regarding ecological issues, then the advice of the ECoW will be sought at the earliest opportunity.

5.2. NOISE MANAGEMENT PLAN

Operating plant noise will be kept within the applicable standards and within the time periods proposed for the site. Any non-complying plant will be stopped and stood down until it can be rectified or removed from the site. The Principal Contractor will ensure that any diesel generators which are running outside of the construction hours of the site should not cause noise disturbance to any residential properties.

The British Standard which gives guidance on noise from construction and mineral working sites is BS 5228. This document does not specify absolute noise limits relating to construction activities; however it does provide detailed guidance on the steps that can be taken to minimise potential noise & vibration effects. Reasonable mitigating measures are as follows:

- Construction activity will be restricted to the hours outlined in section 4.2;
- A site agent will be available on site during construction hours as a point of contact for any potential noise complaints;
- Care will be taken to choose machinery with low sound emissions where feasible;
- Plant will, as far as possible, be oriented away from the nearest noise sensitive receptor;
- Equipment and vehicles should not be kept running when not in use;
- When loading and unloading material, attempts shall be made not to drop material from a height; and
- All equipment shall be well maintained.

In line with BS 5228 section 8.2.1, audible warning systems will be of a type which 'whilst ensuring that they give proper warning, have a minimum noise impact on persons outside sites'. To achieve this, alternative reversing warning systems, such as white noise devices, will be employed to reduce any noise impact. Further, construction works will be constrained to the times outlined within section 4.2 and as such no noise disturbances will occur outside these times, unless prior agreement has been obtained from Perth & Kinross Council.

Any noise complaints shall immediately be directed to the Principal Contractor or Site Agent (contact details can be found within section 3). Depending on the nature of the complaint, the initial response could be to immediately cease the activity until suitable mitigation measures have been put in place and agreed with the affected individual.

6. POLLUTION RESPONSE PLAN

The Pollution Response Plan has been developed in accordance with GPP21 to identify the risk of pollution on site during the development, anticipate the consequences of any incident and describe measures to be taken to minimise any impact.

The Pollution Response Plan provides details of the site and the names and roles of the key people involved in the project, including contact details in case of an emergency. It contains a pollution risk assessment, identifies what chemicals, products and waste may be on site during the development and outlines the emergency procedures and also includes a site drainage plan, which indicates the layout of the site and access details.

The Principal Contractors Site Agent/Site Manager will have specific responsibility for implementation of the PRP. In the event of any pollution incident, SEPA are to be contacted.

6.1. IDENTIFIED POLLUTION RISKS

Potential impacts on surface water hydrology are considered to be the main pollution risk from a project such as this. **Table 6.1** below summarises the main risks identified and the initial mitigation proposed.

Table 6.1: Pollution Risks

Project Element	Effect	Sensitive Receptor	Initial Significance	Description of Mitigation	Residual Significance
Access Track & bunds	Erosion and the generation of silty runoff	Water-courses	Low	Implementation of a Sustainable Drainage system to capture runoff. Adherence to best practice procedures.	Negligible
	Increase in runoff adding to flooding	Water-courses	Low	Implementation of a Sustainable Drainage system to capture runoff.	Negligible
	Disruption to field drainage flow paths	Water-courses	Medium	Incorporating lateral drainage across tracks in design.	Negligible
Keeping and using chemicals/ fuel onsite; refuelling.	Polluted runoff contaminating a watercourse	Water-courses	Medium	Implementation of a drainage system to capture runoff ¹ . Adherence to best practice procedures in the handling, use and storage of fuel, oils and chemicals.	Low
	Polluted runoff contaminating groundwater	Ground-water	Medium	Implementation of a Sustainable Drainage system to capture runoff. Adherence to best	Low

¹ Refer to section 5.2 for details.

				practice procedures in the handling, use and storage of fuel, oils and chemicals.	
	Polluted runoff contaminating potable water supply	Private Water Supply	Low	Implementation of a Sustainable Drainage system to capture runoff. Adherence to best practice procedures in the handling, use and storage of fuel, oils and chemicals.	Low

6.2. WATER MANAGEMENT

Essential mitigation measures relevant to controlling erosion and runoff during construction are described in SEPA's pollution prevention guidance and include the following:

- Scheduling construction activities to minimize the area and period of time that soil will be exposed, particularly during winter periods;
- Installation of cut-off drains, or excavated material as bunds, around the working areas to intercept uncontaminated surface runoff or land drains and divert it around the works;
- Minimise the stockpiling of materials and locating stockpiles as far as possible from watercourses;
- Re-vegetation of working areas as soon as possible after construction.

The working practices have been specified to minimise the risk of pollution to the area from the site.

Post construction, the drainage system will be regularly inspected and the appropriate maintenance will be carried out to keep the system under effective operation at all times. Vegetation will be left to grow wild which will enhance pre-treatment and resistance to erosion.

6.3. CHEMICAL SPILLAGE

There will be no long term storage of oils and diesel on site. Where oils and diesel are brought on to site for refuelling or maintenance, these operations will be carried out in the designated area of the site compound, next to the site welfare²; it will be a hardstand area underlain by impermeable layer. Diesel will be stored only in double skinned bowsters. Spill kits will be on site and, for ease of access, located in the site offices and contractors vehicles. Spill kits should contain;

- Absorbent granules;
- Oil soak pads;
- Oil soak 'sausages';
- Disposal bags (impermeable);
- Cable ties; and
- Gloves.

² Location as shown on Site Layout Drawing within Annex A.

In the unlikely event of a spillage incident, the following methodology will be adopted to rectify the situation:

- Stop the spill problem;
- Notify Site Management;
- Contain the immediate spill if necessary (may involve the use of sand bags, temporary dykes etc)
- Clean up using spill kit, placing contaminated material in double bags for removal from site as hazardous waste.
- Treat so that the affected area is rendered safe using appropriate chemicals (dilute it back to safe condition).
- Review situation, advise SEPA and revise site practices as required. Further actions could include notifying residents of chemical spills, supplying drinking water to residents and notifying Perth and Kinross Council Environmental Health. These further actions would be carried out only if required by SEPA.

6.4. GENERAL

Any material or substance, which could cause pollution, including fuels / oils, pumped mud or silty water, will be prevented from entering surface water drains or watercourses by the appropriate use of and placement of silt fences, cut-off drains, silt traps and drainage matting. COSHH regulations will be observed at all times on site.

6.5. CHEMICAL, PRODUCT AND WASTE INVENTORY

- Diesel fuel oil
- Hydraulic oil
- Grease
- Cooling fluids
- Cleaning products in welfare etc
- General waste and recyclates from welfare facilities or consumable deliveries

Diesel

Diesel must be stored in accordance with the Oil Storage Regulations as provided by SEPA. As part of these regulations, diesel will be stored in a double skinned bowser which can only be sucked out by a pump (i.e. cannot be emptied by gravity). This bowser will be stored in the designated area adjacent to the site compound, this will be the only area where refuelling is permitted. Bowsers will be positioned at a minimum of 50m away from watercourses.

Spill kits will be in the site office, compound area and also within each site vehicle should there be any minor spillages. Operatives must wear gloves in addition to their normal PPE when refuelling machines.

Please note: In the unlikely event that any plant becomes stranded (run out of fuel), only the minimum amount of fuel will be transferred in order to retrieve the plant to the designated refuelling point.

Oils and Greases

Small amounts of oil and greases required for maintenance of plant will be stored in a lockable cabinet within the site cabin. Any maintenance activities will be carried out in the designated area adjacent to the

site office. Operatives must wear gloves in addition to their normal PPE when carrying out any maintenance activities. Oil spillage soak up pads will be in the site office should there be any minor spillages. Oils and Greases will be kept at a minimum of 50m away from watercourses.

Site Toilets

Site toilets will be of self-contained groundhog type with no local discharge of waste, in accordance with SEPA PPG4. The units will be emptied on a regular basis by the hire contractor.

Salt

The clearance of snow from access tracks within the site shall be by mechanical means and no salt or chemicals shall be used, unless agreed in advance with the planning authority.

Other Chemicals

A COSHH assessment sheet will be briefed to operatives as part of the method statement for any hazardous materials used on site. Valuable or hazardous materials will be securely stored out of sight.

6.6. WASTE MANAGEMENT

Small quantities of non-hazardous waste will be produced, primarily relating to welfare facilities and packaging from any delivery of equipment or consumables. This will be stored in suitable covered receptacles and recycled or disposed of to an appropriate landfill or recycling centre by an appropriate licensed waste carrier.

6.7. SOIL MANAGEMENT

The following good practice approach shall be adopted when excavating soils:

- When excavating areas of soil, excavated turves will be maintained as intact as possible by excavating in large clumps. An intact excavated block will be less prone to drying out;
- Soil excavations will be compacted ('sealed') during storage so as to prevent erosion and runoff from weather events;
- Excavations will be prevented from drying out or desiccating as far as possible. This will be achieved by minimising disturbance or movement of the excavated soil once excavated. Consideration will be given to spraying the soil to keep it moist in appropriate circumstances;
- Stockpiling of soil will be adjacent to excavations to allow for minimal disturbance during excavation and reinstatement;
- Stockpiling will take due regard to potential loading effects for slide risk ;
- The soil will be restored as soon as possible after disturbance.

Any unused materials will be disposed of appropriately. Any topsoil not stockpiled for later reinstatement will be used to reduce the gradients of any batters resulting from the construction process, in agreement with the landowner and project manager. Should this not be possible, any surplus topsoil will be sent to the Binn Eco Park facility for recycling.

6.8. DUST MANAGEMENT

Good practice measures will be adopted on site to control the generation and dispersion of dust such that significant impacts on neighbouring habitats are minimised. The hierarchy for mitigation will be:

- Prevention
- Suppression
- Containment

All parties on site have a duty to ensure that neighbours and passers-by are not inconvenienced by dust resulting from site activities. The Principal Contractor should be informed immediately if it is considered that conditions or work practices could give rise to dust-blow outside the site boundary.

The following sections provide detail on the management and monitoring of dust during the construction works.

Excavation and earthworks

Excavation and earthwork activities can be a potential source of dust if they are not properly controlled. The following mitigation methods will be adopted on site:

- All dusty activities will be damped down during dry weather;
- Working areas will be topsoil stripped only as required in order to minimise exposed areas;
- During excavation works drop heights will be minimised to control the fall of materials reducing dust escape;
- Temporary cover may be provided for earthworks if necessary, and completed earthworks and other exposed areas will be final landscaped as soon as it is practical in order to stabilise surfaces.

Stockpiling of loose materials

The use of long-term stockpiles on site will be avoided wherever possible unless it performs the function of visual or noise screening. If necessary, the following measures will be in place:

- Ensure that stockpiles exist for the shortest possible time;
- Material stockpiles will be low mounds without steep sides or sharp changes in shape;
- Wherever possible, stockpiles will be kept securely sheeted;
- Material stockpiles will be located well within the site boundary, away from sensitive receptors, watercourses and surface drains;
- Material stockpiles will be sited to account for the predominant wind direction and the location of sensitive receptors;
- Any long term topsoil stockpiles will be seeded or turfed to stabilise surfaces.

Vehicle movement

Haulage routes both within and outside the site will be damped down if required. This is particularly important for locations close to residential properties or other sensitive receptors. The following mitigation methods will be adopted on site:

- At suitable intervals, a mobile sprinkler system will be employed to damp down roads and construction areas;
- The use of a mechanical road sweeper on the sealed roads on the approach to the site may also be required during periods of dry weather;

- An appropriate speed limit will be imposed around site to prevent excessive generation of surface dust on unsealed routes.

6.9. TRAINING/QUALIFICATIONS

All contractors personnel on site will hold current construction industry qualifications and at all times a trained first aider will be on site and at least one person on site will have an up-to-date construction supervision qualification. All personnel will undergo a site induction before being allowed to access the site. The above pollution control measure will be included in the induction training.

6.10. EMERGENCY PROCEDURES

The principal contractor will have a nominated site manager who will be responsible for dealing with any emergency that may occur.

All emergency equipment, first aid equipment, firefighting equipment, PPE and oil soak-up pads will be stored in the site office. There may be some additional equipment in contractor's vehicles. Clear instruction sheets for any spill kits, drain blockers and any other pollution control measures considered appropriate will be stored with the equipment. Only staff trained in firefighting will be allowed to tackle a fire. A suitable range of fire extinguishers will be available in the site office and carried in contractors vehicles.

It is not anticipated that any substances posing extreme risks to health will be brought on site. All hazardous substances will be accompanied by a COSHH assessment in respect to its use on site, with an additional method statement and risk assessment if the material is extremely hazardous

Any emergency should be recorded on an incident report. In the unlikely event of a pollution incident, the incident will be reported to the local SEPA office and recorded on the site incident report. A list of emergency contact numbers will be pinned to the site office notice board.

7. SITE WASTE MANAGEMENT

It is important that that waste is managed appropriately on site, this will help improve efficiency and ensure waste is handled in the correct manner.

Waste generated on site primarily consists of general waste/recyclates from welfare facilities or packaging from supply of equipment or consumables and such waste should be segregated according to its type to prevent cross contamination. Waste should be stored in covered receptacles to reduce the risk of dust and litter being blown out of the container or scavenging by vermin. There should be separate storage facilities provided for waste that can be recycled.

All waste generated on site will be disposed of to a licensed waste management facility, with the movement of waste being transported by licensed waste carriers. All waste will be managed and disposed of following the appropriate waste management legislation.

7.1. COSHH

Substances that are deemed to be hazardous to health, listed under the Control of Substances Hazardous to Health (COSHH) Regulations are accompanied with a hazardous information sheet. The contractor is responsible for carrying out a risk assessment of each hazardous substance. All COSHH substances must be stored and disposed of in accordance with COSHH regulations, with all necessary precautions being taken.

The Principal Contractor will take all practical steps to make sure that all waste from the site is handled with in accordance with the requirements under The Waste (Scotland) Regulations 2012.

7.2. SITE TOILETS

Site toilets will be self-contained with no local discharge of waste. Sewage and Waste water from the site welfare will be contained within a bunded septic tank within the welfare unit /toilet block and will be emptied by tanker regularly by a licensed waste contractor as required.

It should be noted that the permanent control building will not have plumbing facilities and therefore no sewage or waste water.

8. CONSTRUCTION WORKS

The construction methods and sequencing outlined in this section are based on carefully considered principles of construction gathered from experience of similar types and scale of projects. It should be borne in mind that construction methodology could vary slightly from that described depending on the particular contractors' resources, plant and land ownership and preferred method of working. The ECoW will approve any changes to the proposed working methodologies prior to the commencement of works and will forward the changes to the Planning Authority in line with the requirements of condition 6 as soon as reasonably practicable.

The appointed contractors will be required to provide specific Method Statements for works for inclusion in the Construction Phase Plan. All activities are to be carried out in accordance with the Construction (Health Safety and Welfare) Regulations 1996.

8.1. ROAD AND BUND CONSTRUCTION

Scope of Works

To construct the access track and the bunds required by the design. Further details on sequencing and methodology for constructing access tracks and bunds is provided below under the heading 'Sequence of Work'.

Documentation

See - Site Layout.

Risks Assessment

Risk	Mitigation
Excavator	Excavator's operators are to be fully trained with suitable certifications and experienced in the works to be carried out. No personnel allowed within the swing area.
Dumper	Dumper driver will be qualified as above. Driver must wear full PPE at all times. Opening of excavations will be delayed in event of heavy rainfall.
Site Traffic	All site traffic must report to the site office. Any reversing lorries will have a reversing horn and a banksman. Delivery drivers will wear full PPE when outside the vehicle on site.
Hazardous Chemicals	COSHH regulations will be observed at all times on site, and operatives briefed in regard to any substances hazardous to health. Operatives must wear appropriate additional PPE as highlighted by the COSHH assessment in addition to their normal PPE when handling any chemicals. Fuel will be stored in a bunded bowser which can only be sucked out by a pump (cannot be emptied by gravity). Oil spillage soak up pads will be in the site office should there be any minor spillages.
Working near overhead lines	Where construction work is within 6m of an overhead line, 'goalposts' will need to be erected and specially restricted vehicles may need to be used or a line shut down may need to be arranged.

Pollution arising from presence of unsuitable waste types	Waste acceptance checks prior to delivery and all loads to be inspected upon delivery. Rejection of non-conforming loads and removal of any incidental contamination. Monitoring of deposited loads and construction area for any evidence of previously unidentified contamination of construction materials with resultant risk of escape of any pollutants. Remedial actions to contain any such pollution risk and to remove the contaminated materials.
---	--

Sequence of Works

1. Top soil to be stripped, some to be stockpiled next to the bunds for later partial reinstatement, the remainder to be used for site landscaping.
2. Suitable cut and fill material to be spread out on 500mm layers across bund area
3. Each layer to be suitably compacted with vibrating roller up to designed standards before proceeding to the next layer.
4. Access track to be 'cambered' or have 'cross fall' min. $\sim 2.5^\circ$ towards drainage.

8.2. DRAINAGE TRENCHES

Scope of Works

Drainage trench works alongside the access track and around the bunds are to provide swales or V shaped open trenches, depending on local conditions. Full design is the responsibility of the Contractor.

Documentation

See - Site Layout.

Risks Assessment

Risk	Mitigation
Excavator	Excavator's operators are to be fully trained with suitable certifications and experienced in the works to be carried out. No personnel allowed within the swing area.
Hazardous Chemicals	COSHH regulations will be observed at all times on site, and operatives briefed in regard to any substances hazardous to health. Operatives must wear appropriate additional PPE as highlighted by the COSHH assessment in addition to their normal PPE when handling any chemicals. Fuel will be stored in a bunded bowser which can only be sucked out by a pump (cannot be emptied by gravity). Oil spillage soak up pads will be in the site office should there be any minor spillages.

Drainage Sequence of Work

1. V drains to be excavated up to 1m depth (dependent upon local conditions), swales to be excavated up to 500mm depth (dependent upon local conditions), with spoil to be utilised in local landscaping.

9. SUMMARY AND CONCLUSION

9.1. SUMMARY

This CEMP/CMS has been prepared to support the construction of the bunds at Binn Farm, near Glenfarg, Perth.

The Principal Contractor will take responsibility for the onsite health and safety and will ensure that all environmental mitigation measures are implemented. All reasonably practicable steps will be undertaken to avoid health and safety risks to everyone working on the project.

This CEMP/CMS outlines the key aspects of the work on site that the Principal Contractor will have responsibility for. These key aspects include:

- the control of access / egress onto site;
- ensuring that all personnel on site are suitably qualified;
- ensuring that site working hours are adhered to;
- ensuring that welfare facilities on site are maintained;
- Ensuring that only approved materials are accepted and used in construction of the bunds
- ensuring that materials are stored properly on site;
- ensuring that all planning conditions relating to the working conditions; and
- the detailed mitigation measures are adhered to.

This CEMP/CMS also includes an overarching risk assessment, impact assessment and required mitigation for each main element of work. These main elements of work include civil works and erection.

In addition, a pollution prevention plan is included within the document, which identifies and outlines plans to minimise the risk of pollution on site during the development. Appendix 1 details the nature of the inert wastes to be used in the construction of the bunds, their sources and appropriate control measures. Other plans included in the document include a noise management plan, landscape mitigation plan and other mitigation plans necessary in order to protect the environment and discharge the planning conditions.

9.2. CONCLUSION

This CEMP/CMS provides a summary and explanation of the construction activities, construction materials, methods and sequencing that will be undertaken during the bund construction, and highlights the proposed safeguards that will be put in place to minimise any risks during the construction process.

APPENDIX 1

MATERIALS FOR USE IN CONSTRUCTION OF BUNDS

1. General Description

- 1.1. Materials to be used for construction of the bunds will be imported inert wastes i.e. soil, sub-soil, brick, rubble, concrete etc. An application will be made to SEPA for authorisation of the construction as a Paragraph 19 Exemption from Waste Management Licensing. All waste acceptance procedures and control measures will be applied in compliance with the WML exemption obligations. No works will commence until appropriate consents have been issued by SEPA.
- 1.2. The waste types proposed for use will include the following:

European Waste Catalogue (EWC) code	Waste Description
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics
17 05 04	Soil and stones
19 12 09	Minerals (sand, stones) from mechanical treatment of waste
20 02 02	Soil and stones from garden and park wastes

- 1.3. No hazardous waste materials or any materials covered by the scope of the Special Waste Regulations and the Special Waste Amendment (Scotland) Regulations will be accepted at any time.

2. Sources of Construction Materials

- 2.1. **Binn Ecopark** - Materials will be supplied predominantly from the adjacent Binn Skips Ltd's facility within the Binn Ecopark. These materials will be sourced from the recovery/recycling operations controlled by the licensed activity under waste management licence WML/E/220286 and also the registered exempt activity (Paragraph 13 Exemption) XS/1121885.
- 2.2. Inert wastes recovered under WML/E/220286 and XS/1121885 are subject to controlled procedures for pre-acceptance checks, inspection on delivery, rejection of any contaminated load or removal of minor contamination, grading, screening, crushing and stockpiling for quality checks.
- 2.3. Operations within the Binn Skips Ltd's aggregates recycling operation are conducted in accordance with the standards and procedures laid out in the WRAP Aggregates Quality Protocol.
- 2.4. Sampling and analysis would be carried out as necessary, at agreed frequency intervals, for soil or sub-soil outputs from the Binn aggregates recycling operation intended for transfer to the bund construction area. Such analysis would include examination for:
 - Potentially toxic elements (PTEs)
 - TPHs - hydrocarbon contamination
 - Leachability tests in line with Landfill Waste Acceptance Criteria (WAC) for inert wastes

- 2.5. It is proposed to conduct sampling and analysis for such materials from the Binn Ecopark facility at a rate of one sample per 4,000 tonnes of output.
- 2.6. Representative sampling would be carried out in line with documented procedures and to meet recognised good industry practice.
- 2.7. Movement of materials from the Binn aggregates recycling operation to the bund construction area would be recorded on the Binn weighbridge and IT management system so that full traceability could be maintained and so that appropriate SEPA records and returns were completed in line with waste data requirements.
- 2.8. **Other Sources** – Materials may also be obtained from other third-party off-site construction/demolition or infrastructure projects according to local economic activity and need for movement of materials off site from the relevant project.
- 2.9. Any materials proposed for transfer to bund construction project would be subject to pre-acceptance checks by Binn Group personnel. This would include review of any site investigation data held by the off-site developer and any analytical reports.
- 2.10. As part of pre-acceptance checks, Binn Group would conduct a WM3 assessment of the wastes proposed for transfer and would assess whether the wastes had any risk of having hazardous properties and if they would meet the definitions of inert wastes. Any materials deemed to be hazardous wastes or “active” non-inert wastes following this WM3 assessment would be unacceptable for delivery to the bund construction site and advice would be given for suitable alternative treatment/disposal routes.
- 2.11. Following the WM3 assessment, potentially suitable materials would then be subject to sampling and analysis prior to uplift to confirm suitability. These checks would examine for
- PTEs
 - TPHs
 - Leachability tests to WAC for inert landfill
- 2.12. Any waste materials failing to meet the required analytical parameters would be deemed unsuitable for acceptance into the bund construction area and advice would be given for suitable alternative treatment/disposal routes.
- 2.13. All inert waste materials considered acceptable after this assessment process would be uplifted and transferred to the bund construction area with all loads being subject to Duty of Care Waste Transfer Note requirements and with deliveries being recorded on the Binn Group weighbridge IT system.

3. Site Operations

- 3.1. All imported inert wastes will be subject to inspection of delivery to ensure that materials meet the required acceptance criteria and that there is no presence of contamination with non-inert materials i.e. metals, timber, plastics, organic wastes or putrescible or biodegradable items. Any load observed to be so contaminated will be rejected and directed to leave the site for appropriate treatment/disposal elsewhere. If already tipped the delivery will be re-loaded and the driver instructed to remove the load from site. A record would be kept of any such rejection.
- 3.2. Any small items of incidental contamination will be removed by picking either mechanically or manually and will be placed into suitable containers for removal from site at the earliest opportunity for appropriate treatment/disposal at suitable off-site facilities.
- 3.3. Accepted materials would be either placed into managed stockpile or would be placed directly into the construction area in accordance with the Management Plan.

- 3.4. All site activities would be monitored and audited periodically by Binn Group's compliance team and actions would be taken where any site conditions were observed to at risk of a failure to meet the required standards under the registered Waste Management Exemption.

1 Introduction

Irene Tierney (MCIEEM) of IMTeco Ltd was commissioned by Green Cat Renewables Ltd in order to assess the impact of the formation of two engineered landscape bunds at Binn Farm, Glenfarg PH2 9PX (reference 20/00268/PREAPP) on the ecology of the site and specifically on the European Site¹ (Natura 2000 sites) Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), and on the impact of the proposal on Glen Wood adjacent to the site, which is listed as 'Long-Established (of plantation origin)' in the Ancient Woodland Inventory.

2 The Study Area

The Proposed Development of creating two engineered landscape bunds is within a field of improved grassland for grazing animals, semi-improved neutral grassland, with scrub habitat of gorse (*Ulex europaeus*) and *Juncus* spp., with occasional broadleaved trees along and out with the field boundary. A conifer plantation is situated to the east and is listed on the Ancient Woodland Inventory as 'Long-Established (of plantation origin)'. There is a small area of young broadleaved trees at the southern section of this plantation. A small unnamed watercourse, which has been channeled into a field drain follows a field boundary to the adjacent grazing fields. A spring is noted on the Ordnance Survey map located at approximately NO184138. The proposed bunds are 650 m distance from Turflundie Wood SAC SSSI which is designated as an SAC for Great crested newt (*Triturus cristatus*) and as an SSSI for its reptile and amphibian assemblage, specifically that of *T.cristatus* (Figure 1).

The purpose of the landscape bunds is to screen the turbines, erected at Binn Farm, from the view of the residential properties within the vicinity.



Figure 1: Position of the proposed bunds, and the locations of Glen Wood (AWI) and Turflundie Wood SSSI SAC.

¹ European sites – Special Areas of Conservation and Special Protection Areas – are designated under the Habitats Regulations. 'The term 'European site' is being used to refer to what were previously known as 'Natura' sites. This recognises that Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) protect species and habitats shared across Europe and were originally designated under European legislation.' <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/international-designations/european-sites>

3 Legislative context

A number of sites, habitats and species are protected under European and UK legislation, and may present constraints to site development. Principal legislation and guidance which will be considered are:

- The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019²;
- Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) 1992;
- Conservation (Natural Habitat &c.) Regulations 1994 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Nature Conservation (Scotland) Act 2004;

4 Species Specific Legislation

4.1.1 Badgers

Both badgers and their setts are protected by law. The Protection of Badgers Act 1992³ (as amended by the Wildlife and Natural Environment (Scotland) Act 2011⁴). As a result, offences under the Act include:

- Wilfully taking, injuring or killing a badger;
- Cruelty to a badger;
- Intentional or reckless interference with a badger sett;
- Sale or possession of a badger; and
- Marking or ringing of a badger.

Interfering with a badger sett includes:

- Damaging or destroying a sett or any part of it;
- Obstructing access to a sett;
- Disturbing a badger while it is in a sett; and
- Causing or allowing a dog to enter a badger sett.

A badger sett is defined in the legislation as 'any structure or place, which displays signs indicating current use by a badger'. 'Current use' does not simply mean 'current occupation' and for licensing purposes it is defined as 'any sett within an occupied badger territory regardless of when it may have last been used'. A sett therefore, in an occupied territory, is classified as in current use even if it is only used seasonally or occasionally by badgers, and is afforded the same protection in law.

4.2 Otters

² The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019;

<https://www.legislation.gov.uk/sdsi/2019/9780111041062>

³ <https://www.legislation.gov.uk/ukpga/1992/51/contents>

⁴ <https://www.legislation.gov.uk/asp/2011/6/contents>

Otters and their resting places receive protection under The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004⁵ (the Habitats Regulations) which make it an offence to:

- Intentionally kill, injure or take an otter
- Possess or control any live or dead specimen or anything derived from an otter
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by an otter
- Intentionally or recklessly disturb an otter while it is occupying a structure or place, which it uses for that purpose.

4.3 GCN Legislation

Great crested newts (GCN) are a European Protected Species. It is an offence to:

- Capture, kill, disturb or injure GCN deliberately
 - Damage or destroy a breeding or resting place
 - Obstruct access to their resting or sheltering places either deliberately or by not taking enough care
 - Possess, sell, controlling or transporting live or dead newts
- Take GCN eggs.

5 Previous Surveys

Numerous habitat and protected species surveys have been conducted over recent years, prior to and after the construction of four wind turbines at Binn (18/00865/FLL & 14/01970/FL), and in relation to the planning proposals for various additional recycling waste facilities at Binn (18/00689/FLL, 20/01852/FLL & 20/01242/FLM).

Surveys previously undertaken included:

- Habitat (Phase 1 Habitat, National Vegetation Community, Ground Water Dependent Terrestrial Ecosystem)
- Protected Species (Otter, Badger, Bats, Great crested newt, Water vole, Red squirrel & Birds)

The purpose of the previous surveys and assessment undertaken out was to determine the following:

- To assess the potential ecological constraints to any development on this site;
- To assess the ecological value of such a site;
- To carry out appropriate survey work;
- To assess previous ecological survey work, and

⁵ <https://www.legislation.gov.uk/ssi/2004/475/regulation/18>

- To recommend further survey work if required.

6 Results from Previous Surveys

The previous surveys within the vicinity of the proposed bunds and for the surveys which included the field where the bunds are proposed to be situated are summarised in **Table 1**.

Table 1: Summary of previous surveys undertaken, within the vicinity of the proposed bunds.

Years Surveys undertaken	Planning Application reference number	Summary Result of surveys	Comments
2012, 2014 & 2018	14/01970/FL	A single adult male GCN was found in a 2012 survey at pond 'J' (NO 18099 14036)	As for 18/00865/FLL, as an update to 14/01970/FL
2018	18/00865/FLL	No protected species found and eDNA of ponds carried out in 2018, which determined that no GCN were present.	Surveys extended to the proposed bunds location
2018	18/00689/FLL	No protected species found at the time of the survey. No GCN surveys undertaken.	Surveys did not extend to the proposed bunds location
2016-2017, with updates in 2019-2020	20/01242/FLM	No protected species found and eDNA of ponds carried out in 2020, which determined that no GCN were present.	Surveys did not extend to the proposed bunds location
2018 & 2020	20/01852/FLL	No protected species found and eDNA of ponds carried out in 2020, which determined that no GCN were present.	Surveys did not extend to the proposed bunds location

7 Assessment

7.1 Habitat

The habitat has not changed significantly and where the bunds are proposed consists of improved grassland and the habitat loss will therefore be of improved grassland only. There were no notable scarce or rare plant species or notable habitats on site. No other habitat will be lost during the construction of the Bunds. The improved grassland had a negligible nature conservation value. The loss of this habitat is likely to be negligible.

7.2 Badger and Otter

The previous surveys undertaken (from 2012 to 2020) found no signs of otters or badgers and since the original surveys the habitat has not changed significantly. No significant impact on badger and otter is determined.

7.3 Birds

The 2018 bird surveys (and following advice from RSPB and NatureScot) identified 6 bird species that were considered to be target species: (whooper swan, pink footed goose, greylag goose, kestrel, lapwing, curlew).

Breeding bird species are extremely scarce over the footprint for the Bunds and comprise of species that are relatively common in Scotland and are under no specific protection apart from during the bird-breeding season of April-July inclusive. Given the habitat it was found that the breeding birds species had not changed significantly, and no Schedule 1 species of Birds of Conservation Concern are breeding on site. Due to the small size of the Bunds and location, they considered to have no significant impact on bird species.

7.4 Bats

Original bat surveys recorded a very low level of bat activity over site. No trees with potential bat roost features will be felled during the construction of the Bunds. No buildings will be impacted by the construction of the bund. The construction of the Bunds will not, therefore impact on bat species and their habitats and the development is not considered to have any significant effects.

8 Great Crested Newts

A single adult male GCN was found in a 2012 survey at pond 'J' (NO 18099 14036) on one occasion. All subsequent surveys took this into account, including the proximity of Turflundie Wood SSSI SAC, and therefore GCN were surveyed at all of the required ecological assessments for all planning applications. No further GCN were located at the subsequent surveys and none at pond 'J' in 2014 and 2018. All ponds within a 500m buffer on site assessed under the Habitat Suitability Index. Most of the ponds were either empty of water and dried out or totally unsuitable for GCN. The results found no GCN present and no further surveys were required in the 2018 study. Table 2 summarises the impact of developments on GCN and their habitats⁶. It is considered that where the Bunds are to be placed will create a temporary disturbance during the construction phase, however there will be no overall fragmentation of the habitat due to the small size of the Bunds, and that known breeding ponds within Turflundie Wood are over 500 metres away from the proposed Bunds. Therefore, it is considered that the Bunds will have a low impact on GCN. However, as Turflundie Wood is designated for its GCN population this is considered further in **Section 10**.

Table 2: Level of impact of development on GCN.

Impact	Development on GCN
Normally high impact	Breeding ponds and terrestrial habitat within 50 metres of the development Isolation caused by fragmentation of the habitat

⁶ <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

Impact	Development on GCN
Normally high to medium impact	Other ponds occupied by GCN and terrestrial habitat 50 metres to 250 metres from ponds
Normally medium impact	Partial or temporary destruction or change to the habitat Post-development interference, such as pollution or the introduction of fish
Normally low impact	Temporary disturbance Terrestrial habitat further than 250 metres from breeding ponds

9 Assessment of Impact on Glen Wood (AWI)

The proposed development does not overlap with Glen Wood (AWI). However, the improved grazing field where Bunds are to be located is adjacent to the Glen Wood plantation which is listed on the Ancient Woodland Inventory as 'Long-Established (of plantation origin)'. There will be no tree loss or fragmentation of the Glen Wood, and its connectivity value for movement and dispersal is not impacted. The conifer plantation at Glen Wood is of low ecological value and due to the small size of the Bunds and location, it is considered that there would be no significant impact on the plantation or on any bird or bat species that may utilize this habitat. Therefore, there is no significant impact on Glen Wood (AWI) and it is not considered further.

10 Assessment of Impact on Turflundie Wood (SAC) and (SSSI)

Turflundie Wood consists of a pond cluster mostly within an area of planted, mature conifer forest, with open areas of mire and some heath also present. Records for 'Turflundie fire pond' date back to the mid/late 1960s. More recently there has been a programme of pond creation on the site, specifically geared to improving the habitat quality for great crested newt *Triturus cristatus*. The GCN have now been recorded breeding in eight of the ponds and recorded as present at a further two ponds. This is the most northerly known cluster of great crested newt ponds in the UK and is at about 250 m above sea level. Turflundie Wood is therefore an important representative site near to the extreme northern part of the species' UK range⁷. Great crested newt are Annex II species⁸ which is the primary reason for selection of this site as an SAC.

Recreational activities such as a yearly motor rally, off-road cycling, horse riding and dog walking. Dogs exercising in ponds are considered to have a negative effect on the amphibian population due to disturbance which creates turbidity and makes the pond less suitable for breeding. It is important to ensure that the recreational activities at Turflundie Wood do not lead to a decline in the great crested newt population⁹.

⁷ Turflundie Wood SAC: <https://sac.jncc.gov.uk/site/UK0030240>

⁸ Great crested newt Annex II species; <https://sac.jncc.gov.uk/species/S1166/>

⁹ Turflundie Wood SSSI, Site Management Statement; <https://sitelink.nature.scot/site/8160>

As Great crested newt are a qualifying feature for both the SAC and SSSI, for the purposes of this assessment the SAC features are determined to cover both.

Table 3 provides links to the NatureScot/SNH SiteLink Interactive website¹⁰¹¹ where the background information on the sites being considered in this assessment is available. Table 4. details the qualifying features of the SAC in this assessment. The conservation objectives being considered are detailed in Table 5. A general site description is given in **Section 2** of this report and **Figure 1** illustrates the location of the proposed works and the Turflundie SAC is discussed below. The Turflundie Wood (SAC) is the only Natura Site investigated due to its proximity to the proposed Bund.

For the qualifying interests where likely significant effect (“LSE”) has been identified (Section 11.1) and the assessment assesses whether or not the relevant conservation objectives will be achieved.

Table 3. Name of Natura site(s) potentially affected & weblink(s) to current status.

<p>Turflundie Wood SAC</p> <p>https://sitelink.nature.scot/site/8403</p> <p><u>Turflundie Wood SAC Overview</u></p> <p>Turflundie Wood consists of a pond cluster mostly within an area of planted, mature conifer forest, with open areas of mire and some heath also present. Records for ‘Turflundie fire pond’ date back to the mid/late 1960s. More recently there has been a programme of pond creation on the site, specifically geared to improving the habitat quality for great crested newt <i>Triturus cristatus</i>. The GCN have now been recorded breeding in eight of the ponds and recorded as present at a further two ponds. This is the most northerly known cluster of great crested newt ponds in the UK and is at about 250 m above sea level. Turflundie Wood is therefore an important representative site near to the extreme northern part of the species’ UK range.</p>

Table 4. European qualifying interest(s).

<p>Turflundie Wood SAC</p> <p>Annex II species (primary reason for site selection):</p> <p>Great crested newt (<i>Triturus cristatus</i>)</p>

Table 5. Conservation objectives for qualifying interests.

<p>Turflundie Wood SAC</p> <p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained</p>

¹⁰ SNHi - SiteLink - Map search https://cagmap.snh.gov.uk/website-maps/sitelink_map_search/index.html

¹¹ NatueScot SiteLink Data: <https://sitelink.nature.scot/home>

and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

Qualifying species:

- Great crested newt (*Triturus cristatus*)

Site Condition and Date of Assessment

- Great crested newt – favourable maintained (14/05/2009)

The development of the Bunds is not directly connected with or necessary to the conservation management of the Turflundie Wood SAC site. For there to be a potential likely significant effect (LSE) on an SAC qualifying species, three conditions must be satisfied using an objective approach (European Commission, 2001¹²):

1. The species under consideration is sensitive to the potential effects of the development;
2. There is evidence that the qualifying species under consideration (i.e. the population of a species from a particular SAC) is likely to use the development area (connectivity);
3. The number of individuals of the species population under consideration that are likely to use the development area is sufficiently large (in the context of the SAC population) for it to be possible that a significant effect on the population could arise.

11 Assessment of SAC Connectivity

The proposed development area does not overlap with the Turflundie Wood SAC. However, connectivity between the development of the Bunds and SAC may arise where individuals from populations of qualifying species use both an SAC and the proposed development area at some point during their life cycle. Connectivity between the project and SAC has been assessed by identifying:

- The species known or likely to use or pass through the proposed development area;
- The peak numbers of each species (where applicable) and their seasonal occurrence;
- Whether individuals of these species form part of the qualifying feature of a SAC;

¹² Assessment of plans and projects significantly affecting Natura 2000 sites, European Commission 2001, : https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

- The SACs which individuals of each species may use during their life cycle;
- Receptor sensitivity (as detailed in **Table 6**).

Table 6. Categories of SAC receptor sensitivity and associated criteria

Receptor Sensitivity	Definition
Very High	The receptor is protected by international law and is a qualifying feature of a Natura 2000 site.
High	The receptor is protected by national law, is important for national biodiversity, restricted in its regional distribution and is subject to a species plan.
Medium	The receptor is locally or nationally important for nature conservation, widely distributed across the region, contributes to the selection of Scottish protected areas and/or has a key ecosystem role.
Low	The receptor does not hold any nature conservation designation but represents a healthy and productive example nonetheless or has a key ecosystem role.
Negligible	The feature is commonly occurring and widespread throughout the UK.

11.1 Determining Likely Significant Effect

To determine if the development is likely to have a significant effect on the qualifying interest the following question ‘**Is the operation likely to have a significant effect on the qualifying interest?**’ has been summarized in **Table 7**.

Table 7. The likely to have a significant effect of the operation on the qualifying interest.

<p><u>Turflundie Wood SAC</u></p> <ul style="list-style-type: none"> • Great crested newt (<i>Triturus cristatus</i>) <p>Great crested newt This is the most northerly known cluster of great crested newt ponds in the UK and is at about 250 m above sea level. Turflundie Wood is therefore an important representative site near to the extreme northern part of the species’ UK range. The closest designated natural heritage site to the proposed Bund is the Turflundie Wood SAC. The latest assessed condition is Favourable Maintained.</p> <p>Potential mechanisms of impact from the proposed works on Great crested newt include:</p> <p><i>Construction</i></p> <ul style="list-style-type: none"> • Local increased noise, movement of soil and minimal loss of grassland habitat at construction area, however no significant disturbance of the species.

Operation

- No disturbance during completion of bund (its 'operation'), with no significant disturbance of the species.

Conclusion - No likely significant effect

The proposal will have no significant impact on this qualifying feature of Turflundie Wood SAC.

11.2 Conservation Objectives

This section details where the qualifying interests have been identified and if there is likely significant effect ("LSE"). Appraisal of the implications for the site in view of the site's conservation objective and the assessment of whether the relevant conservation objectives will be achieved for the SAC.

The proposed Bund construction at Binn Farm is on agricultural grazing improved grassland fields used for grazing animals such as cattle and sheep. The site is 650m west of the Turflundie Wood SAC.

Size and Scale: The Bunds will be c. 0.8ha and 0.7ha respectively. None of the works will be within the SAC boundary.

Land take: No impact on any land within the SAC boundary. Land-take will be from the grazed improved grassland field.

Distance from the Natura 2000 site or key features of the site: At the closest point the Bund is 650m from the SAC boundary.

Resource requirements (water abstraction etc): None

Excavation requirements: None; Soil will be brought in from another section of the site or another site.

Transportation requirements: Access to the site will be via the wind farm track. No access across the SAC will be required.

The following appraisal is undertaken against the Conservation Objectives of the site. To ensure for the qualifying species that the following are maintained in the long term:

1) Population of the species as a viable component of the site

The development site does not overlap onto the SAC where Great crested newt are a qualifying feature. The surrounding terrestrial and pond habitat has indicated only one GCN found in 2012, with no subsequent GCN located during surveys.

Conclusion: It is ascertained that the population of Great crested newt will not be affected by the development of the bunds.

Conservation Objective met.

2) *Distribution of the species within site*

Great crested newt are not distributed within the proposed development site for the bunds.

Conclusion: It is ascertained that the population Great crested newt will not be affected by the development of the bunds.

Conservation Objective met.

3) *Distribution and extent of habitats supporting the species*

There will be no land-take or reduction of habitat from the SAC. The terrestrial and pond habitats that have the capability of supporting the qualifying species on the development site have been surveyed with no GCN located, apart from one male in 2012. The habitat where the bunds are proposed of grazed improved grassland is a small area.

The connectivity of the landscape is important, since great crested newts often occur in metapopulations that encompass a cluster of several or many ponds. This helps ensure the survival of populations even if sub-populations are affected by, for example, pond desiccation or fish introductions. Ecological or landscape factors such as pond density are probably more important in determining distribution across the main part of its British range for this species. Previous ponds within the overall area on Binn Farm that were previously surveyed no longer exist (ponds 'F' & 'G') and thus pond density has been reduced.

Conclusion: It is ascertained that as there are habitat extents for Great crested newt that can support this species on site, and that terrestrial habitat loss of improved grassland is minimal, the GCN will not be affected by the development of the bunds. There will be no impact on any habitats within the SAC boundary.

Conservation Objective met.

4) *Structure, function and supporting processes of habitats supporting the species.*

The proposed Bunds will not impact the structure, function or supporting processes of the terrestrial and aquatic habitat for GCN within Turflundie Wood. As the loss of improved grassland is minimal which can form part of the terrestrial habitat for GCN, it is not considered to impact structure, function and supporting processes of the SAC.

Conclusion: There will be no effect on the structure, function and supporting processes of habitats supporting Great crested newt. The structure, function and supporting processes of any habitats within the SAC boundary will not be affected by the development of the Bunds. Therefore, no Likely Significant Effect.

Conservation Objective met.

5) *No significant disturbance of the species*

The species for which the SAC is designated have only been found on one occasion in 2012 (single male adult), and all subsequent surveys did not find GCN. As the GCN are not within the habitats on site, they will therefore not be disturbed by the development works.

There is no potential for disturbance of supporting habitats (terrestrial and aquatic) that form part of the SAC as none are present within the proposed site. The site is out with the SAC boundary. As the habitats within the SAC will not be impacted there are no likely indirect impacts on the designated species above.

The construction and operation phases of the Bunds are unlikely to cause significant disturbance to Great crested newt as they are not found on the development site in any significant numbers.

Conclusion: It is ascertained that as there will be no significant disturbance to the qualifying species of the SAC, they will not be affected by the development of the Bunds.

Conservation Objective met.

12 Conclusion

There are no operational or construction effects which will negatively impact any species, habitats, flora or fauna within the site, or on the adjacent Glen Wood (AWI). It can be concluded that there will be no adverse effects on the integrity of the Turflundie Wood SAC resulting from this proposal.

Binn Bunds

Hydrology & Hydrogeology Impact Assessment

October 2020

	Name	Date
Checked by	Kieran Hopkinson	19/03/2021
Approved by	Graham Donnachie	19/03/2021

1 Introduction

Understanding surface and groundwater environments is critically important to designing a successful project. Surface water includes watercourses, water bodies and precipitation runoff. Surface water provides important water resources for: potable and other supplies, amenity, aesthetic value, conservation, ecological environments, and for recharge to groundwater systems. Groundwater includes all water stored in permeable underground strata (or aquifers). Groundwater is also an important resource, providing more than a third of the potable water supply in the UK, and essential baseflow to rivers and wetland areas, often supporting important ecological systems.

The risk of pollution or disruption of watercourses, groundwater bodies, and private water sources, within or near the site, needs to be assessed and appropriately mitigated where necessary. Potential impacts could include:

- Erosion and sedimentation;
- Impacts to surface runoff characteristics;
- Impacts on surface water quality;
- Impacts on river flows and flooding;
- Impacts on groundwater dependent terrestrial ecosystems (GWDTE);
- Impacts on soils (in this project's case, peat);
- Chemical pollution of groundwater;
- Disruption or fouling of private water supplies;
- Impacts on public water supplies and abstractions;
- Modifications to hydrogeological regime; and
- Landslide Risk.

This chapter presents the impact assessment of the proposed earth bunds on the hydrology and hydrogeology environments.

2 Guidance

Statutory, general, national, and local guidance consulted during this assessment is listed in **Table 1** below.

Table 1 - Legislation & Guidance

	Legislation or Guidance Document
SEPA Guidance Documents	<p>PPG 1 General Guide to the Prevention of Pollution.</p> <p>PPG 3 Use and design of oil separators in surface water drainage systems.</p> <p>GPP 4 Treatment and disposal of wastewater where there is no connection to the public foul sewer.</p> <p>GPP 5 Works and maintenance in or near water.</p> <p>PPG 6 Working at Construction and Demolition Sites.</p> <p>GPP 21 Pollution Incident Response Planning.</p> <p>Managing River Habitats for Fisheries, 2002.</p> <p>Special Requirements for Civil Engineering Contracts for the Prevention of Pollution, Version 2, SEPA, 2006.</p> <p>Indicative River & Coastal Flood Map (Scotland).</p> <p>Planning advice on waste water drainage, 2011.</p> <p>Temporary Construction Methods, WAT-SG-29, 2009.</p> <p>SEPA Flood Risk and Planning Briefing Note, 2009.</p> <p>Groundwater Protection Policy for Scotland, v3, 2009.</p> <p>SEPA Position Statement 'The role of SEPA in Natural Flood Management', 2012.</p> <p>Technical flood risk guidance for stakeholders, SS-NFR-P-002, 2015.</p> <p>Environmental Standards for River Morphology, WAT-SG-21, 2012.</p> <p>The Water Environment (Controlled Activities) (Scotland) Regulations 2011; A practical guide, Version 8.3 February 2019.</p> <p>SEPA Water quality classification interactive database (2019 data).</p>
Other Guidance Documents	<p>CIRIA C515 <i>Groundwater Control - Design and Practice</i>.</p> <p>CIRIA C532 <i>Control of Water Pollution from Construction Sites</i>.</p> <p>CIRIA C648 <i>Control of Water Pollution from Linear Construction Projects</i>.</p> <p>CIRIA C689 <i>Culvert Design and Operation Guide</i>.</p> <p>CIRIA C741 Environmental Good Practice on Site.</p> <p>CIRIA C753 SUDS Manual</p> <p><i>A handbook on environmental impact assessment; Guidance for Competent Authorities, Consultees and others involved in the Environmental Impact Assessment Process in Scotland</i>. SNH, 2018.</p> <p><i>River Crossings and Migratory Fish: Design Guidance, A Consultation Paper</i>, The Scottish Executive.</p> <p><i>Protecting Private Water Supplies During Forestry Activities</i>, Forestry & Water Scotland, 2018.</p>
Scottish Government Policy, Advice and Legislation Documents	<p>The Housing Scotland (Act) 1987 (Sect 86).</p> <p>PAN 79: Water and Drainage, 2006.</p> <p>Planning Advice Note (PAN) 61: Planning and SUDS, 2001.</p> <p><i>Water Environment and Water Services (Scotland) Act 2003</i>.</p> <p>The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations, 2017.</p>

	Legislation or Guidance Document
	The Pollution Prevention and Control (Scotland) Regulations, 2000. The Waste (Scotland) Regulations 2012.
European Legislation	<i>Freshwater Fish Directive</i> 2006/44/EC. <i>Water Framework Directive</i> (WFD) 2000/60/EC. <i>Dangerous Substances Directive</i> 76/464/EEC.

3 Methodology

The assessment of the potential impact of the proposal on hydrology and hydrogeology was carried out following this general method:

- Review of the Pre Application Enquiry Response;
- Review of the Screening Opinion Response;
- Determination of the baseline hydrological conditions;
- The sensitivity of the site and adjacent receptors are identified and assigned a degree of sensitivity;
- The impacts of the development are assessed;
- The significance of any impacts is evaluated both before and after mitigation.

3.1 Study Area

The proposal is for the formation of two landscape bunds, having combined foot print of approximately 0.9Ha (see **Site Plan**). The bunds will be located to the northeast of the existing wind farm and will serve to screen views of Turbines 3 and 4 from the nearest residential properties. The site's current land use is as improved agricultural pasture. Land in the immediate vicinity of the bunds has been historically used as landfill, however this does not underlie the bunds.

3.2 Identification of Baseline Conditions

The purpose of the baseline study is to identify:

- Land use across the site;
- Topography and surface water hydrology, including water courses, springs, and drains;
- The extent of river catchments and all flooding risk;
- Private drinking water abstractions and private water supplies;
- Any current dewatering, abstraction or foul drainage;
- Geological and hydrogeological conditions of the site;
- The range and extents of habitats across the site, particularly any GWDTE.

Baseline conditions within the site are initially established through a desktop survey and later through a site visit. The following sources have been consulted:

- Pre Application Enquiry and Screening Responses;
- Any EIAR, EIA, and Construction Management Plans for existing projects of relevance;
- The land-owner(s) and estate manager(s);
- Ordnance survey 1:10,000 and 1:50,000 map data;
- Ordnance survey digital terrain model (DTM);
- SEPA River Basin Management Plan (RBMP) interactive Map <https://www.sepa.org.uk/data-visualisation/water-environment-hub/>;
- SEPA Flood Maps www.sepa.org.uk;
- Meteorological data, with particular regard to rainfall and storm events;
- The local council for data on public and private water abstractions;

- BGS – Hydrogeological Map of Scotland 1:625,000;
- BGS – Groundwater Vulnerability Map of Scotland 1:625,000;
- Ground Investigation Report for the site, if available at this early stage;
- SNH Sitelink <https://sitelink.nature.scot/map>

3.3 Assessment of Receptor Sensitivity

Table outlines the various factors taken into account when assessing the sensitivity of a variety of receptors.

Table 2 - Sensitivity Table

Sensitivity	Definition
High	<p>Receptor of high quality, rarity of a regional or national scale, and limited potential for substitution/replacement. This Includes:</p> <ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA) or Special Area of Conservation (SAC); • SEPA Water Quality defined as High; • Abstraction for public; • Private water supplies – 0 to 100m from construction activities; • Designated salmonid fishery and/or salmonid spawning grounds present; • Watercourse widely used for recreation, directly related to watercourse quality (e.g. swimming, salmon fishery) <1.2km downstream of development; • Active flood plain area (important in relation to flood defence); • Groundwater - public drinking water supply; • Groundwater aquifer vulnerability classed 5 by BGS for the SEPA vulnerability classification scheme; • Geology that is rare or of national importance as defined by SSSI or Regional Important Geological Site (RIGS); • Groundwater dependent terrestrial ecosystems (GWDTE); • Peat/landslide Risk likelihood of 'probable' or 'almost certain'.
Medium	<p>Receptor of medium quality, rarity of a local scale, and limited potential for substitution/replacement. Or a receptor of medium quality and rarity of regional or national scale, and limited potential for substitution/replacement. This includes:</p> <ul style="list-style-type: none"> • SEPA Water Quality defined as Good; • Surface water abstractions for private water supply for more than fifteen people; • Private Water Supplies – Surface water abstractions within 100–600m of construction activities, groundwater spring abstractions within 100–400m of construction activities, and groundwater borehole abstractions within 0– 200m of construction activities; • Designated salmonid fishery and/or cyprinid fishery; • Watercourse widely used for recreation, directly related to watercourse quality (e.g. swimming, salmon fishery) >1.2km downstream of development; • Groundwater aquifer vulnerability classed as 4d, 4c, 4b, 4a by BGS for the SEPA vulnerability classification scheme; • Peat/landslide Risk of 'Likely'.

Sensitivity	Definition
Low	<p>Receptor of low quality, rarity of a local scale, and limited potential for substitution/replacement. Or a receptor of low quality, rarity of a regional or national scale, and limited potential for substitution/replacement. This includes:</p> <ul style="list-style-type: none"> • SEPA Water Quality defined as Moderate or Poor; • Occasional or local recreation (e.g. local angling clubs); • Conveyance of flow and material, main river <10 m wide or ordinary watercourse >5 m wide; • Existing flood defences; • Private Water Supplies – Surface water abstractions >600m from construction activities, groundwater spring abstractions within 400–800m of construction activities, and groundwater borehole abstractions within 200–600 m of construction activities; • May be subject to improvement plans by SEPA; • Designated cyprinid fishery, salmonid species may be present and catchment locally important for fisheries; • Watercourse not widely used for recreation, or recreation use not directly related to watercourse quality; • Groundwater aquifer vulnerability classed as 2 and/or 3 by BGS for the SEPA vulnerability classification scheme; • Peat/landslide Risk of 'Unlikely'.
Negligible	<p>Receptor of low quality, rarity of a local scale, and limited potential for substitution/replacement. Environmental equilibrium is stable and is resilient to changes that are greater than natural fluctuations, without detriment to its present character. This includes:</p> <ul style="list-style-type: none"> • SEPA water quality defined as Bad; • Fish sporadically present or restricted, no designated features; • Receptors not used for recreation, e.g. no clubs or access route associated with watercourse; • Watercourse <5 m wide – flow conveyance capacity of watercourse low - very limited floodplain as defined by topography, historical information and SEPA flood map; • Private Water Supplies – groundwater spring abstraction >800 m from construction activities, and groundwater borehole abstractions >600 m from construction activities; • No public drinking water supplies; • Groundwater aquifer vulnerability classed as 1 by BGS for the SEPA vulnerability classification scheme; • Receptor heavily engineered or artificially modified and may dry up during summer months; • Geology not designated under a SSSI or RIGS or protected by specific guidance; • Peat/landslide Risk of 'Negligible'.

3.4 Assessment of Magnitude of Impact

The analysis of the significance of each impact is based on its magnitude. The magnitude of impact includes the timing, scale, size and duration of the potential impact. For the purposes of this assessment the magnitude criteria are defined as follows in **Table 3**.

Table 3 - Magnitude of Impact Table

Magnitude	Criteria	Description and Example
Large	Results in loss of attribute	<ul style="list-style-type: none"> Fundamental (long term or permanent) changes to geology, hydrology, water quality and hydrogeology; Loss of designated Salmonid Fishery; Loss of national level designated species/habitats; Changes in WFD water quality status of river reach; Loss flood storage/increased flood risk; Pollution of potable source of abstraction compared to pre-development conditions.
Medium	Results in impact on integrity of attribute or loss of part of attribute	<ul style="list-style-type: none"> Material but non-fundamental and short to medium term changes to the geology, hydrology, water quality and hydrogeology; Loss in productivity of a fishery; Contribution of a significant proportion of the discharges in the receiving water, but insignificant enough to change its water quality status;
Small	Results in minor impact on attribute	<ul style="list-style-type: none"> Detectable but non-material and transitory changes to the geology, hydrology, water quality and hydrogeology;
Negligible	Results in an impact on attribute but of insufficient magnitude to affect the use/integrity	<ul style="list-style-type: none"> No perceptible changes to the geology, hydrology, water quality and hydrogeology; Discharges to watercourse but no loss in quality, fishery productivity or biodiversity; No significant impact on the economic value of the receptor; No increase in flood risk.

3.5 Assessment of Significance of Impact

The sensitivity of the receiving environment together with the magnitude of impact defines the significance of the impact as outlined in **Table 4**.

Table 4 - Significance of Impact Matrix

		MAGNITUDE			
		LARGE	MEDIUM	SMALL	NEGLIGIBLE
SENSITIVITY	HIGH	Major	Major	Moderate	Negligible
	MEDIUM	Major	Moderate	Minor	Negligible
	LOW	Moderate	Minor	Minor	Negligible
	NEGLIGIBLE	Negligible	Negligible	Negligible	Negligible

In instances where predicted impacts are concluded to be substantial or moderate the impacts are considered potentially significant. In such instances, mitigation is required.

3.6 Mitigation & Assessment of Residual Impact

If significant impacts are found following the initial impact assessment, mitigation will be proposed to alleviate/reduce the potential impacts to acceptable levels. There are recognised best practices and measures to mitigate and eliminate the predicted impacts, which may be grouped in decreasing order of preference as follows: Avoid; Cancel; Reduce; and Remediate/Compensate. Consideration will also be given to potential enhancement measures, and the possibility of creating a net environmental benefit.

Having associated a mitigating measure with each impact, the receptor sensitivity and residual magnitude are then applied to **Table** above, giving the post mitigation impact of the bunds.

4 Baseline

4.1 Site Overview

The Proposed Development occupies an area of improved grazing land to the northeast of the industrial waste facility and wind farm. The bunds are proposed to be located on the crest of a gentle hill between the industrial waste facility and the property of Mountquharrie, which is part of the Ballo Burn hydrological catchment.

4.2 Surface Water Hydrology

A small unnamed burn drains the land in the vicinity of the bunds' footprints, which flows northeast for approximately 500m before joining the Ballo Burn. This larger watercourse ultimately drains into the River Earn, approximately 3km downstream, before merging with the Upper Tay Estuary.

4.3 Flood Risk

SEPA's Flood Risk Maps identify no risk of fluvial flooding within the study area, but there are areas at risk of flooding in the lower reaches of the Ballo Burn, in particular at downstream of Abernethy. The proposed development is unlikely to have any impact on flood risk in the area.

There is no potential for groundwater flooding at the site.

4.4 Local Water Supplies

All other properties within the study area are connected to the mains water supply. Previous planning applications for the site identify a private water supply at approximately 318212, 713625 (150m southwest of Bund No. 1) which served the properties at Catochil. The private water supply is currently disused, as the properties at Catochil have a mains water supply.

All other properties within the study area are connected to the mains water supply.

4.5 Surface & Groundwater Classification

SEPA classifies all significant water bodies in Scotland, which are recorded on the SEPA Water Classification Hub. SEPA do not monitor and have not classified the tributary watercourse draining the site, nor have they classified the Ballo Burn downstream. The nearest classified water body is the River Earn, approximately 3km downstream. The River Earn has been given an overall status of 'Good' in 2018.

SEPA also classifies significant groundwater bodies which at the proposed site are 'Glenfarg' bedrock and localised aquifers. The overall status of this groundwater has been classified as 'Good'.

4.6 Hydrogeology

According to the Geology of Britain Viewer, the underlying bedrock is indicated to be part of the Ochil Volcanic Formation. This is consistent with the BGS Hydrogeological Map, which shows that the site is

mostly underlain by extrusive rocks. These generally form impermeable layers, however rare springs may occur from systems of near-surface dilated joints.

The Groundwater Vulnerability map of Scotland identifies the region's underlying geology as having weakly permeable strata, which generally does not contain groundwater in exploitable quantities. As such, these formations are rarely effective for large-scale water supply extraction, but they can be an important source of base flow for localised watercourses.

The 'Geology of Britain viewer' records no superficial deposits at the site, however this is expected to be diamicton, specifically Devensian Till, which is consistent with the surrounding region.

4.7 Peat

No peat is recorded on site.

4.8 Habitats

The downstream river catchment is not ecologically designated, however the Ballo Burn ultimately drains into the Firth of Tay and Eden Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar, and the Inner Tay Estuary Site of Special Scientific Interest (SSSI). Considering the dilution and mixing of discharge from the River Earn, Tay, and several smaller watercourses, the impact of runoff from the Ballo Burn is insignificant at this point in the catchment.

The nearest ecological designation to the proposed development is the Turflundie Wood SAC and SSSI. This site is protected for its reptile and amphibian assemblage, however this area is not hydrologically connected to the site.

In previous ecological walkovers, some small areas of groundwater dependent terrestrial ecosystems (GWDTE) were identified in the vicinity of the bunds, which may be sensitive to changes in hydrological regime as a result of the proposal. These areas are recorded as being *Juncus effusus/acutiflorus-Galium* rush-pasture (MG23a), which is generally species-poor, dominated by *Juncus effusus*.

5 Sensitive Receptors

An unnamed watercourse drains from the vicinity of the proposed bunds. Rainfall runoff from the proposed footprints discharges into this watercourse, which subsequently drains into the Ballo Burn.

As tributaries of the River Farg, a large waterbody that is monitored by SEPA, these watercourses have been identified as sensitive receptors. Given the size of the proposed development and that the overall status of the downstream river system, the sensitivity of the watercourses is given to be **Medium/Low**.

The BGS Hydrogeological Map of Scotland 1988 (1:625000) indicates that the project is located in a region underlain by 'Extrusive rocks aquifers, which generally are underlain by impermeable rocks'. Although this area is classified as weakly permeable with little potential for groundwater extraction, it may be important in providing a source of baseflow to local watercourses. With the potential for the development to alter the quantity and quality of groundwater, this will also be treated as a sensitive receptor.

Previous ecological surveys of the site have highlighted areas of potential GWDTE in the vicinity of Bund No. 1, which are shown on the site plan. These also have the potential to be adversely affected by a reduction in groundwater quality.

As the Glenfarg groundwater unit has an overall status of 'Good' on the SEPA Water Classification Hub, the sensitivity of the receptor is given to be **Medium/Low**.

The identification of sensitive receptors, considering baseline conditions, is summarised in **Table 5**.

Table 5 - Sensitive Receptors

Receptor	Sensitivity	Comment
Watercourse	Medium/Low	The unnamed burn that drains from the site is a tributary of the Ballo Burn, which joins the River Earn approximately 3km downstream of the site.
Groundwater	Medium/Low	The proposed development is located over the "Glenfarg" bedrock and localised sand and gravel aquifers unit. Several small areas of GWDTE are extant in the vicinity of the bunds.

6 Predicted Impacts and Effects

6.1 Changes to Runoff Rates

The proposal involves an alteration of the existing topography, which has potential to change the rate of runoff from the footprints of the bunds. Any change in runoff will be minimal, with a highly localised influence.

Small zones of GWDTE have been identified in close proximity to the footprint of Bund No. 1. A change in runoff could alter the supply of groundwater to these habitats, however given the free-draining nature of the substrates used to construct the bund, change is expected to be minimal.

As such, the Magnitude of the impact on watercourses is expected to be **Small**, and the Significance is **Minor**, while the Magnitude of the impact on watercourses is expected to be **Medium**, and the Significance is **Moderate**.

6.2 Sedimentation & Erosion

The bunds will be formed using approximately 99,611m³ of inert material. The underlying technosol interior will be topped with a layer of topsoil replicating the original surface soil horizons of the footprint.

Loosely compacted substrates can be eroded by runoff, which could transport sediments into adjacent watercourses and lead to a loss of stability in the bund. Erosion is expected to be most prevalent during the construction of the bund, and reduce in magnitude as the substrates naturally settle and compact.

The amount of the resultant suspended solids pollution will be greater during heavy rainfall events, although the dilution potential is also at its greatest during these periods.

Considering the relatively small footprint of the relevant elements of the development, the Magnitude of the potential impact to watercourses and to groundwater is considered to be **Medium** and the Significance is **Moderate**.

6.3 Chemical Pollution

The primary source of potential chemical pollution from the proposal will be during the construction phase. The spillage or leakage of construction associated oil, grease, fuel, foul water or other chemicals from plant machinery could occur. Any such chemicals can have a serious negative impact on the quality of surface water, or groundwater.

The bund is expected to be formed using inert wastes available to the eco-park at the time of construction. This may contain soils, stones, bricks, tiles, ceramics and concrete. Given that these materials will be chemically and biologically inert, no risk of leachates entering the water environment is expected to be low.

Due to the low permeability of the strata beneath the site, groundwater movement is likely to be limited.

Given the above, the Magnitude of the potential impact to watercourses and to groundwater is considered to be **Medium** and the Significance is **Moderate**.

6.4 Disruption to Flow Paths

The relocation of soil could possibly lead to the disruption of flow paths if naturally occurring rills or existing field drains were blocked. Given the permanent nature of the proposal, any change to flow paths would also be permanent. No significant flow paths are proposed to be blocked or diverted during formation.

Considering the relatively small footprint of the relevant elements of the development, the Magnitude of the potential impact on flow pathways of watercourses and groundwater is considered to be **Small** and the Significance is **Minor**.

6.5 Dewatering & Abstraction

Given what is known about the ground conditions in the area, dewatering will not be required during the stripping of turves from the current land surface. As such, there will be **no impacts**.

6.6 Disruption to Private Water Supplies

The PWS for the properties at Catochil is disused as they are now connected to the mains water supply. As such, there will be **no impacts**.

7 Mitigation

The potential impact of the proposal on water quantity is minimal, so the mitigation measures focus on preventing water pollution. There are a number of recognised best practices and measures to mitigate and eliminate the predicted impacts previously discussed.

The following measures will be implemented to manage the predicted impacts at the site during the construction phase and where relevant, maintained throughout the project's operational lifetime. Construction will be carried out according to SEPA and CIRIA guidance for site works.

7.1 Change in Runoff Rates

The bunds are proposed to be constructed using soil from a mixture of inert waste material from the adjacent eco-park.

The waste materials will then be capped using turfs stripped from the existing land cover, reseeded with grasses and planted with trees. Once vegetation is established on the bunds, attenuation of water will increase and runoff rates will be reduced.

It is therefore expected that the rate of runoff from the bunds will be similar to present.

7.2 Sedimentation and Erosion

Following construction, it is likely that loose substrates on the surface of the bund will be susceptible to sedimentation and erosion. The substrate will be compacted to limit mobility, and temporary silt fencing will be implemented to filter any runoff from the bunds.

The bunds will be seeded and planted with trees after formation. Once vegetation covers the bare soils, the substrate will consolidate and naturally settle, which will limit erosion from the sides of the features.

During the construction and settlement period, a temporary silt fence will be implemented around the bunds to capture any sediments suspended in runoff. Once the bund is deemed to have settled sufficiently, silt fencing will be removed and no erosion is expected to occur.

7.3 Chemical Pollution

Construction traffic machinery will be limited to dumper trucks that will deliver the substrate, and a bulldozer, which will shape the bunds. Where practicable, existing tracks will be used to minimise soil compaction in the wider area.

Best practice procedures will be adopted during the construction of the bunds in order to alleviate the risk of chemical pollution from construction-related chemicals. Providing best practice guidance is followed, risk of pollution in watercourses and groundwater will be negligible.

A pollution incident response plan will be developed in accordance with SEPA PPG 21. Spill response measures will be put in place to ensure that any accidental spillages at the surface can be contained and quickly removed from site.

All materials used to form the bunds will be handled in accordance with the Waste & Resources Action Programme (WRAP) Aggregates Protocol and will be subject to the relevant testing required by the

protocol. Materials will be sampled to confirm leachability and ensure that only suitable inert substrates are used during formation.

The above checks and mitigation measures are expected to negate the risk of any chemical pollution resulting from the construction of the bunds.

7.4 Disruption to Flow Paths & Flood Risk

The bunds have been located and designed to avoid disruptions to existing flow paths on the site. No watercourses are to be diverted or blocked during the formation of the bunds. Given that the bunds will be seeded and planted with trees after formation, the rate of runoff and the impact to flood risk will be negligible.

7.5 Protection of GWDTE

Due to the low permeability of the strata beneath the site, groundwater movement is likely to be highly localised to the adjacent plant communities. Two areas of MG23a (with high groundwater dependence) are located adjacent to Bund No. 1.

Given that the bund will be formed using inert materials that will be screened for leachability prior to construction, the potential for contamination to groundwater under the bund is expected to be negligible. The bund will not be clay capped however, which will enable precipitation to freely drain through the bund and support groundwater replenishment in the vicinity of the GWDTE.

It is therefore expected that the free-draining structure of the bund will negate any risk of loss to these GWDTE communities.

7.6 Alleviating Slide Risk

The bunds will be constructed from a mixture of inert waste substrates that can safely be profiled with a gradient of 1V:2H, without compromising stability. The soil will be suitably compacted upon formation to minimise movement and settling.

Following construction, the bunds will be grass seeded and trees will be planted over them. As vegetation establishes on the bund, the surface soils will consolidate and further reduce the risk of soil slip during heavy rainfall.

It is therefore expected that slide risk will be negligible.

8 Assessment of Residual Impact

The residual impacts after mitigating factors have been taken into account are analysed with respect to their significance. **Table 6** below includes a summary of the residual impacts, and it can be seen that there are no residual impacts of any major significance expected to occur as a result of the development.

Table 6 - Summary of Impact Assessment

Receptor	Sensitivity	Impact	Initial Significance	Mitigation	Residual Impact
Watercourse (Ballo Burn catchment)	Medium/Low	Increased Runoff	Minor	Use of free-draining, inert substrates that enable precipitation to infiltrate into the bund. Vegetation to be planted will increase attenuation and reduce runoff rates.	Negligible
		Erosion & Sedimentation	Moderate	Silt fencing will be temporarily implemented until the bund has settled and compacted. Vegetation to be planted will consolidate the surface of the bund.	Negligible
		Chemical Pollution	Moderate	Adherence to best practice procedures and guidance will reduce risk of pollution incidents. Construction materials will be chemically and biologically inert and tested for leachability prior to use.	Negligible
		Disruption to Flow Paths	Minor	Bunds have been positioned to avoid natural surface water flow pathways.	Negligible
		Dewatering & Abstraction	No impact	-	No impact
Groundwater (Glenfarg Groundwater Unit and GWDTE)	Medium/Low	Increased Runoff	Moderate	Use of free-draining, inert substrates that enable precipitation to infiltrate into the bund, replenishing groundwater through-flow. Vegetation to be planted will increase attenuation and reduce runoff rates.	Negligible
		Erosion & Sedimentation	Moderate	Vegetation to be planted will consolidate the surface of the bund. Materials used will be chemically and biologically inert to prevent reduction in groundwater quality.	Negligible
		Chemical Pollution	Moderate	Adherence to best practice procedures and guidance will reduce risk of pollution incidents. Construction materials will be chemically and biologically inert and tested for leachability prior to use.	Negligible
		Disruption to Flow Paths	Minor	Use of free-draining, inert substrates that enable precipitation to infiltrate into the bund, reducing disruption to groundwater through-flow.	Negligible
		Dewatering & Abstraction	No impact	-	No impact

9 Conclusion

A desk-based study was conducted to establish the baseline water environment of the site, whereby predicted impacts caused by the formation of the bunds were identified.

Due to the limited activity involved with the project, changes to the local hydrological regime are generally minor, with most impacts being dependent on the type of substrate used during the construction of the bunds. Given that only inert substrates will be used, there is very limited potential for significant hydrological impacts as a result of the development.

The majority of potentially significant negative impacts on water quality are only predicted to occur in the short term. It is anticipated that the adoption of best practice management and the quick establishment of vegetation cover will reduce the risk of impact to the surrounding water environment to negligible levels.

Binn Bunds

Landscape and Visual Impact Assessment

March 2021

	Name	Date
Checked by	Alasdair Warnock	19/03/2021
Approved by	Graham Donnachie	19/03/2021

1 INTRODUCTION

A Landscape and Visual Impact Assessment (LVIA), has been undertaken for this project in accordance with the relevant guidance.

The aim of the assessment process is to promote the best “environmental fit” for the development through consideration of the existing landscape resource, the potential landscape and visual effects, design alternatives and any mitigation that might be possible. The assessment process will refer to landscape value and in particular landscape designations and related planning policy, as well as landscape character and capacity for a landscape bund at Binn.

1.1 Guidance

The methodology for the landscape and visual impact assessment (LVIA) and the cumulative landscape and visual assessment (CLVIA) has been undertaken in accordance with the methodology set out below and conforms with *The Guidelines for Landscape and Visual Impact Assessment*, Third Edition (Landscape Institute and IEMA, 2013). Additional guidance has been taken from the following publications:

- *Landscape Supplementary Guidance*, Perth and Kinross Council, 2020
- *Fife Landscape Character Assessment*, David Tyldesley, 1999; and
- *Tayside Landscape Character Assessment*, Land Use Consultants, 1999.

2 ASSESSMENT METHODOLOGY

2.1 Defining the Study Area

An overall Study Area of 5km radius from the site centre has been established using professional judgement, it is unlikely a development of this type would have any significant effects beyond the immediate area.

A ZTV (Zone of Theoretical Visibility) was to produce areas of potential visibility. The ZTV however, does not take account of built development and vegetation, which can significantly reduce the area and extent of actual visibility in the field.

2.2 Baseline Landscape and Visual Resource

This part of the LVIA refers to the existing landscape character, quality or condition and value of the landscape and landscape elements on the site and within the surrounding area, as well as general trends in landscape change across the study area. It includes a brief description of the existing landscape character and land use of the area which includes reference to settlements, transport routes, vegetation cover, as well as landscape planning designations, local landmarks, and tourist destinations.

2.3 Assessing Landscape Effects

Landscape effects are defined by the Landscape Institute as “*changes to landscape elements, characteristics, character, and qualities of the landscape as a result of development*”. The potential landscape effects, occurring during the construction and operation period, may therefore include, but are not restricted to, the following:

- Changes to landscape elements: the addition of new elements or the removal of trees, vegetation, and buildings and other characteristic elements of the landscape character type;
- Changes to landscape quality: degradation or erosion of landscape elements and patterns, particularly those that form characteristic elements of landscape character types; and
- Changes to landscape character: landscape character may be affected through the incremental effect on characteristic elements, landscape patterns and qualities and the cumulative addition of new features, the magnitude of which is sufficient to alter the overall landscape character type of a particular area;

The development may have a direct (physical) effect on the landscape as well as an indirect effect or effect perceived from out with the landscape character area.

Landscape effects are assessed by considering the sensitivity of the landscape against the degree of change posed by the development. The sensitivity of the landscape to a particular development is based on factors such as its quality and value and is defined as high, medium or low. Examples of landscapes with high sensitivity may include areas which have been officially designated for their landscape value such as Areas of Landscape Significance or National Parks.

The magnitude, or degree of change considers the scale and extent of the proposed development, which may include the loss or addition of particular features, and changes to landscape quality, and character. Magnitude can be defined as high, medium, low or negligible.

The level of effect is determined by the combination of sensitivity and magnitude of change as shown in **Table 1**, below.

Table 1 - Magnitude and Sensitivity Matrix for assessing Overall Level of Effect

Magnitude of Change	Sensitivity		
	High	Medium	Low
High	Major	Major/Moderate	Moderate
Medium	Major/Moderate	Moderate	Moderate/Minor
Low	Moderate	Moderate/Minor	Minor
Negligible	Moderate/Minor	Minor	Minor

2.4 Assessing Visual Effects

Visual effects are recognised by the Landscape Institute as a subset of landscape effects and are concerned wholly with the effect of the development on views, and the general visual amenity. The visual effects are identified for different receptors (people) who will experience the view at their places of residence, during recreational activities, at work, or when travelling through the area. These may include:

- A change to an existing view, views or wider visual amenity as a result of development, or,
- The loss of particular landscape elements or features already present in the view; and

The general principles adopted for the assessment of visual effects were taken from *The Guidelines for Landscape and Visual Impact Assessment* Third Edition, produced by the Landscape Institute, 2013. This guidance outlines the approach to define 'sensitivity' for a given view and a 'magnitude of change' that would be caused by the development in question over its lifetime. A matrix in the Guidance is then used to assess the overall 'level of effect'. This matrix is the same format as used to understand landscape effects and can be seen in **Table 1**.

In the context of this project, the effects during operation are always direct and long term (reversible after 25 years). None of the visual effects relating to this project have been considered positive in order to present a worst case view of any effects.

2.5 Visual Assessment of Settlements and Residential Properties

All settlements within the study area have been considered with regards to the level of visual impact the development will have on them. The sensitivity for each of the settlements is considered to be high in accordance with Guidelines for Landscape and Visual Impact Assessment, 2014. Residential properties have been assessed from public roads and footpaths within the area and the assessment represents a 'best estimate' of the likely visual effects. In line with the guidance from the Landscape Institute, the views from upper floor windows are considered as of less importance, but the garden and public areas are included as well as the visual context in which views are experienced.

3 LANDSCAPE DESIGN CONSIDERATIONS

3.1 Project Description

The development would include the construction of two landscape bunds, designed to mitigate the visual impact of the wind turbines from nearby residential properties. The western bunds would be 18m in height, and the area covered by the bunds would be 7079m² and 8027m².

3.2 Landscape Capacity

This site is heavily characterised by the presence of the recently constructed wind turbines as well as the recycling centre which occupies much of the local area. The topography is raised, however dips down to create a shallow bowl which provides a strong level of containment to the development site. Inside the bowl, the topography is undulating, often rising to small rounded summits, which limit visibility and provide further containment to parts of the landscape. Landcover is mostly rough grassland with occasional areas of gorse and woodland, with commercial forestry more common to the north and east.

The landscape has a strong capacity for this type of development, if positioned and designed sympathetically. Landscape bunds, by their nature, tend to be small rounded lumps with a simple landcover, which is in keeping with the type of topography seen in the area. The undulating nature of the landform, will help provide containment to the bunds, where they should only appear in localised views. Shaping bunds to reflect the existing topography, following contours and have a landcover which is similar rough grassland, will help the site to maximise its capacity to accommodate the bunds.

3.3 Design Objectives

Scale - The scale of the bunds has been influenced by their function as a screening bund. The two bunds are required to be 18m in order to provide some screening the wind turbines at Binn Wind Farm.

Skylines – the development is located on a hummocky landscape and will affect part of the skyline, particularly from the vicinity of Mountquharry. The skyline currently contains views of the wind turbines and positioning the bunds in this location would alter the skyline by screening some of the visibility of the wind turbines from this direction; and

Aesthetics – the local landscape has a hummocky character, with larger summits on the outer edges of the local area such as Binn Hill, Castle Law, Dumbarrow Hill and Beins Law, as well as small individual rounded summits within this bowl landscape at Ballomill Hill to the north and small rises to the south-east of Mountquharry, south-west of Catochil and at Glen Wood. It was important to the design, that the bunds in terms of form, scale and landcover fitted into this topography without looking out of place or unnatural.

3.4 Existing Landscape Resource

Information on the existing landscape resource, or baseline landscape conditions, has been collected by reference to Local Plans, OS maps and relevant literature, including the SNH

“Tayside Landscape Character Assessment” document, as well as information gathered from field surveys.

3.5 Construction Activities

Temporary landscape and visual effects would occur during the construction period, these will be limited to ground preparation works, earth movement and some construction vehicle activity. The landscape effects would be of a negligible magnitude of change and not significant.

During the construction period the visual effects would not be significant as despite movement and contrast of people and some small construction vehicles. Construction of the bunds would evolve over time, as material becomes available to form the bunds. This would result in very low-key activity, which would occur infrequently during this time, with visual effects related to the transportation of material to the area. As such effects, would be relatively localised affecting the properties at Mountquharry and Grampian View, properties which will, in their view, benefit in the long term, due to the reduced visibility of the turbines.

4 BASELINE CONDITIONS

4.1 Broad Landscape Context

The site is entirely located within the Igneous Hills and within the Ochil Hills subset, as defined by SNH in the Fife Landscape Character Assessment and is described below:

"The Ochils are the larger of the two hill ranges, rising to over 500m and extending up to 12km in width in places. The hills are drained by a large number of short burns and small rivers, flowing northwards into Strathearn and Strathallan and southwards into the Loch Leven Basin. Most glens are short and steep. The principle exception to this is the pass formed by Glen Eagles to the north and Glen Devon to the south. This corridor was enlarged during the Ice Age when ice sheets in Strathearn pushed into Glen Eagles, lowering the watershed between the two glens by over 200m. Ice sheets also had the effect of truncating the Ochils' northern spurs, thereby increasing the drama of the scarp along the southern side of Strathearn and Strathallan.

Though there are areas of improved pasture and even some cultivation within the more sheltered glens, the land is generally of low fertility and the bulk of the agricultural land takes the form of unimproved rough grazing. The Ochils also have a considerable amount of coniferous forestry. Along the lower slopes in Strathallan, this generally takes the form of geometric plantations and shelterbelts which are prominent in this open, large-scale landscape. Further west, in Strathearn the woodland is less formal. However, the most extensive woodlands are located in the heart of the eastern Ochil summits, particularly on Innerdouny Hill where a large expanse of Sitka spruce covers a series of upper catchments. The effect is to transform the sparse, open landscape of the Ochil summits, and to create a sense of enclosure which is absent elsewhere on the hills."

In addition to this there is also other Landscape Character Areas that are included within the study area, which include the following:

- Broad Valley Lowlands;
- Lowland Basins;
- Upland Hills; and
- Lowland Hills and Valleys.

4.2 Local Landscape Character

The site is located within Binn Farm in Perth and Kinross ~11 km south-east of Perth, close to the border with Fife. It occupies a shallow basin to the southeast of Binn Hill and lies at ~185-235 m AOD. It is surrounded by low rolling hills typical of this part of the eastern Ochil Hills and the landscape is of medium scale. Land use is diverse, with a mix of arable farmland, improved grassland, permanent pasture, areas of rank vegetation, small mixed woodlands and some larger conifer plantations. Field boundaries are generally post and wire fences, most features follow the landform and there is no strong pattern evident. A number of dispersed dwellings and farmsteads lie nearby, some of which are set within woodland. Binn Eco Park landfill site and waste management centre occupies an extensive part of the site, comprising numerous

industrial buildings and waste treatment areas. It generates odour, noise and movement that is noticeable within the vicinity of the site, but generally screened from the wider landscape by the low hills. The highest point of the site is Binn Hill (277m AOD), where the telecommunications infrastructure includes a 45m high mast.

Landscape Elements and Features

Landscape elements are the component parts of the landscape, such as trees, woodland and lochs that combine to form areas of landscape character. Often these characteristic elements may be distinctive to a particular regional area of landscape character or a more localised area of landscape character type. The main elements of landscape character across the area include significant areas of agricultural land, gorse and coniferous forestry on lower slopes and manmade elements including electricity pylons, telecommunications masts and the M9.

4.3 Land Use and Landscape Change

This area of Perth & Kinross is dominated by the rolling agricultural landscapes on the eastern side of the Ochil Hills as they merge with the more developed lowland landscapes of the coast and River Tay. This area forms a hummocky landform where the landfill and recycling plant at Binn help form the immediate character.

There has recently been a turbine development on the site which brings an additional character element to the area, with these vertical features rising up to be visible features on the horizon.

4.4 Broad and Visual Context

The visual character of the landscape is influenced by the unique topography of the area, where the end of the Ochil Hills meets the Tay estuary on the northern coast of Fife. The surrounding landscape is relatively flat bar the Lomond Hills which are notable visual features to the south and dominate views in this direction. Due to the hummocky nature of the landscape surrounding Binn Hill, long range views are not always possible despite the elevated position and equally views into the site also tend to be limited. From summits such as Binn Hill and Castle Law the eye tends to be drawn either to the north-east over the Firth of Tay or to the south and to the summits of East and West Lomond.

4.5 Landscape Planning Designations

The proposed development is located within Perth and Kinross Council, which illustrates any landscape designations. The local development plans contain a number of policies which seek to protect landscape resources. The proposed bunding areas will be located within the Ochil Hills Local Landscape Area. Landscape planning designations and policies are considered in the determination of the sensitivity of landscape and visual receptors as they provide an indication of value ascribed to the landscape or visual resource.

5 ASSESSMENT OF PREDICTED LANDSCAPE IMPACTS AND EFFECTS

Landscape Effects are defined by the Landscape Institute as “*Change in the elements, characteristics, character, and qualities of the landscape as a result of development.*” These effects are assessed by considering the landscape sensitivity against the magnitude of change. A matrix is used to guide the evaluation or level of effect as illustrated in **Table 1**. The type of effect may also be described as temporary or long term/permanent, direct or indirect, cumulative and positive, neutral, or negative.

5.1 Potential Operational Effects on Landscape Fabric and Character

Changes to landscape fabric can occur where there would be direct or indirect physical changes to the landscape. In this instance, direct changes to landscape fabric would only occur within the development boundary. The landscape has been assessed to be of medium sensitivity.

Magnitude of Change

During operation the two bunds would occupy a minor to moderate extent of the local landscape, and would not result in the loss of any landscape features such as trees, stone dykes or water courses. The existing turves would be stripped back and retained to help restoration and encourage growth in order to allow the bunds to have a natural character and fit with the surrounding landscape. Due to the sizes of the bunds and the timescales it is likely that the existing turves would only cover parts of the bunds, however on completion the remainder of the slopes will be seeded with a grass seed mix. The existing turves should help catch and attract other seeds from the local area and encourage growth of additional which will establish over time. The plateau of each bund will be filled with a minimum of 300mm of topsoil, which will have stored after being stripped prior to shaping of the bund and will provide a base for planting. The bunds have plateaus of 202m² and 340m², which will be planted with a mix of the following:

Table 2 – Planting Schedule

Name		Size	Type	Age	Spacing	% Mix
Blackthorn	Prunus Spinosa	60-80cm	Transplant	1+1	0.3m	20
Hawthorne	Crataegus Monogyna	60-80cm	Transplant	1+1	0.3m	20
Scots Pine	Pinus Sylvestris	175-200cm	Feather	2x	3m	60

The root system of species such as blackthorn and hawthorn should help stabilise the bund and the taller scots pine will primarily be used as a screening element for the wind turbines. Planting will occur in three staggered rows and the surface will be mulched after planting to encourage growth. These are native species found in the nearby area and with small clusters of mixed woodland dotted around this local landscape, this addition would not look out of place. After the bunds are created, the grass and turves has had time to establish and the vegetation begins to grow, the addition into the landscape will appear similar to the existing landscape character and not appear out of character with the baseline conditions.

The magnitude of change for landscape effects as a result of the development on the local landscape character resource, would be low, resulting in a **moderate/minor** level of effect which would be long term. It is acknowledged that prior to the establishment of grass and vegetation, these levels would be slightly higher, potentially a medium level of effect, however a year after competition this would reduce to low.

5.2 Potential Operational Effects on Landscape Character

Igneous Hills LCA

The Igneous Hills Landscape Character Area occupies the eastern extent of the Ochil Hills. The landscape has been somewhat man modified with areas of commercial forestry, infrastructure including roads and pylons. Around the site the Binn Wind Farm and recycling centre offer prominent manmade features which have a slightly different character to the Igneous Hills west of the M90. Rough grassland is the typical landcover, and there are some sections of deciduous shelterbelt, with post and wire fencing typically used as field boundaries in the area. The area feels busy with population centres to the north, west and south as well as busy A roads nearby. The quality of the landscape is generally medium.

In terms of landscape value, within the study area, the landscape area is designated locally. Overall the landscape value is high.

The overall sensitivity of the Igneous Hills LCA is considered to be high.

Magnitude of Change

Once constructed, the bunds would occupy and directly affect a negligible area of the Igneous Hills leading to a negligible overall magnitude of change with only minor losses of improved grassland, which will be reinstated on completion. As well as limited direct impacts, the indirect impacts would also be limited, with very little visibility of the bunds from the wider LCA, and when visible the bunds would mimic the hummocky character of the existing landscape. When fully reinstated and vegetation has established, it is likely that the bunds would be indistinct from the surrounding hummocks. The Perth and Kinross Local Development Plan seeks to protect the landscape resource through **Policy 39** of the Perth and Kinross LDP and below is critique of the development against this policy.

(a) they do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience.

The bunds have been designed to follow the contours and appear as natural shapes which compliment the existing landscape. The shapes of the bunds are in keeping with the existing hummocky topography and once reinstated the landcover will be indistinct from the adjacent existing landscape.

(b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality.

No key landmark views would be affected by the development and while theoretically visible from summits such as West Lomond and Kinoull Hill, at these distances the bunds would be indistinct from the surrounding landscape. Views from beyond 1km are not likely to be prominent and particularly after vegetation has established, the development will be an indistinct feature.

(c) they safeguard the tranquil qualities of the area's landscapes.

The area immediately adjacent to the development site cannot be described as tranquil as the busy recycling centre and wind farm have a strong influence over this area. The bunds, on completion, would have a tranquil quality and a natural look.

(d) they safeguard the relative wildness of the area's landscapes including, in particular, the areas identified on the 2014 SNH Wild Land Areas map.

The proposed development is not within a designated Wild Land Area, nor is it located within a landscape which has a strong sense of wildness due to the existing manmade elements.

(e) they provide high-quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities.

The bunds will be reinstated using the existing turves and topsoils where appropriate, along with a grass seed mix and a planting plan, which seeks to not only mitigate the impact, but also enhance the character of the area.

(f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape.

The design of the project sought to avoid any watercourses, archaeological features, and any ecological habitats. The planting plan should enhance both the landscape character and ecological habitat of the area. Once reinstated, the bunds would not cause any adverse impact on the general visual amenity of the area as the design is sympathetic to the existing landscape, and could be considered to enhance visual amenity with the bunds function helping to provide screening to the wind turbines. The planting will also improve visual amenity offering a point of interest and variety in a relatively uniform landscape.

(g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.

Construction of the bunds will take place during daylight hours and thus have no impact on the night sky, and once completed will not require lighting.

It is not considered that the proposed development would have notable impacts on the landscape character nor the above policy and that the overall magnitude for change is considered to be negligible resulting in a **moderate/minor** level of effect which would be long term.

5.3 Neighbouring Areas of Landscape Character

Neighbouring areas of landscape character include uplands, river valleys and lowland landscapes. These areas of landscape character would not be affected in terms of 'borrowed' landscape characteristics¹.

These areas would not be directly affected by the solar farm and there would be no direct effects on the key physical characteristics that form the areas of landscape character or their quality and integrity. However, the development may be visible from these LCAs and as such could indirectly affect the landscape character. This would be as a result of particular views or scenic qualities that are key characteristic of the landscape having significant visibility of the development. These landscape include:

- Broad Valley Lowlands;
- Lowland Basins;
- Upland Hills; and
- Lowland Hills and Valleys.

5.4 Landscape Effects on Landscape Planning Designations

The site area is designated locally and there would be potential direct effects on the Ochil Hills Local Landscape Area (LLA). The development will only have minor direct impacts resulting in no loss of any landscape features which are key to the designation. Below is a critique of the development against the key attributes which comprise the Ochil Hills LLA:

Contrast between the broad, flat loch, farmed foothills and steep surrounding hills

The proposed development would not be visible from the broad flat lochs and lochsides, due to its position within an elevated bowl. Places where this contrast between these two types of landscape would not have visibility of the bund, bar hill summits such as West Lomond, however at 7km distance, the bunds would be indistinct from the surrounding hummocky landform, appearing as part of that character and in no way affecting the contrast between the hill landscape in which it is located and the loch and estuary landscapes nearby to the north and south.

Striking and dramatic form of Benarty and the Lomond Hills seen from the loch side, from Kinross and the M90.

The proposed development is neither visible from Kinross nor from the M90 and would not interrupt views from these areas towards hills such as the Lomonds and Benarty. While there are views of the Lomond Hills from the site, the bund would not detract from the views nor would they block existing views towards these hills.

Historically a focus for human settlement and land use, with a key relationship between Kinross, Kinross House and Loch Leven Castle

The proposed development would not be visible either from Kinross House or Loch Leven castle, nor would it be visible in views to these features, as such there would be no impact on this attribute of the LLA.

¹ Landscape character that due to similarities in key characteristics and patterns may appear as part of adjacent areas of landscape character and as a result new development may appear to physically affect adjacent, although separate, areas of landscape character.

Essential sport and recreation resource for the region, suiting a broad range of users, e.g. gliding and bird watching as well as walking and cycling

Core Path ABNY107 heads through the woodland to the east and is also used by cyclists, due to this being a woodland track, there would be no visibility of the bunds. The ABNY105 path is located to the north of Drumcairn and again is predominantly a woodland path, restricting views of the development. Even if visible, at over 1km distance, the bund would appear as a natural part of the landscape.

The expanse of open water fringed with wetland with wooded fringes providing an internationally important ecological habitat for birds is recognised and widely appreciated.

The development would have no impact on this attribute of the LLA.

Most landscape effects would be limited to indirect effects on the views and visual character experienced from within this designated area. Due to the design and reinstatement of the bunds, it is not considered that the proposed development would have notable impacts on the landscape character or the attributes which comprise the LLA, and overall magnitude for change is considered to be negligible resulting in a **moderate/minor** level of effect which would be long term.

6 ASSESSMENT OF PREDICTED VISUAL IMPACTS AND EFFECTS

Visual effects are recognised by the Landscape Institute as a subset of landscape effects and are concerned wholly with the effect of the development on views, and the general visual amenity.

6.1 Visual Effects during Operation

Post construction and during operation, the appearance of the bunds would recover a calmer visual character with negligible levels of maintenance activity visible on site and the design of the bunds should allow them to be incorporated into the landscape, appearing as a relatively natural addition to the area. The visual effects of the development on views and visual amenity whilst in-situ are assessed in the following sections.

6.2 Settlements

The following assessment considers the views from the nearest residential properties, and the likely visual effects that could be experienced from the main amenity areas, garden areas and environs, but excludes upper windows. All residential properties have been judged to be of high sensitivity.

The primary settlements in the area are Abernethy, Glenfarg, Auchtemuchty and Bridge of Earn, have been scoped out of the assessment due to the highly limited visibility and once complete the bund will be indistinct from the adjacent landscape.

Table 3 - Visual effect on properties

Property	Distance	Visual Assessment
Mountquarry	185m	<p>The bunds are proposed specifically for the purpose of screening the wind turbines from Mountquarry. The property at Mountquarry would be the most prominently affected due to its proximity and position. The primary views of the dwelling are to the north-west, however there are windows and open areas on the southern side of the property which would have open views towards the development. On completion the two bunds would appear on the horizon, while the lower slopes of both would be afforded some screening by the topography, the majority of the bunds would still be visible. The eastern bund would be the most prominent in the view, occupying a moderate to major extent of the horizon, while the western bund would be smaller, less visible and occupying notably lesser of the view. The bunds would appear in scale with the surrounding landscape and would appear as rises on the horizon which, although above the viewer, would not be overbearing nor cause a sense of enclosure. Once reinstatement is completed and vegetation established, they will be natural looking features no different to the existing baseline.</p> <p>This part of the view is not particularly open and the bunds would not block or interrupt long range vistas and will screen visibility of the recently constructed turbines, with the two most visible turbines now screened by the bunding. Once the proposed vegetation matures, this will provide additional screening to the turbines, as well help integrate the bunds into the landscape by allowing them to look natural and in character with the surrounding area.</p> <p>The bunds would have no moving parts, lighting or of a manmade character, and while prominently visible, they would not constitute a negative or adverse visual impact would impact on the residential amenity of the property.</p> <p>Overall, the magnitude of change is considered to be low, resulting in a moderate level of effect.</p>
Grampian View	425m	<p>The primary views of the dwelling are to the west, however there are windows and open areas on the southern side of the property which would have views towards the development. These southern views are constrained by associated out buildings and vegetation, however views from the access and front garden are possible.</p>

Property	Distance	Visual Assessment
		<p>The eastern bund will appear as a natural extension of the landscape and be neither out of place nor out of scale with the surroundings. Once reinstatement is completed and vegetation established, the bund will be a natural looking feature no different to the existing baseline.</p> <p>The bund will provide some minor screening to the most visible of the wind turbines. The bund would have no moving parts, lighting or of a manmade character, and while prominently visible, it would not constitute a negative or adverse visual impact would impact on the residential amenity of the property. There would be no visibility of the western bund.</p> <p>Overall, the magnitude of change is considered to be negligible, resulting in a moderate/minor level of effect.</p>
Catochil Farm	530m	<p>Catochil Farm building to the south will have no views of the bunds as it is set within mature woodland and the primary views are to the south. However, the cottages to the north-east will have some views. Views from the dwelling itself will be difficult, due to the angle of the windows, the immediate topography in the garden and local vegetation. There will be views from the driveway and the rear garden area, where the eastern bund will appear on the horizon and while the western bund will appear, the topography will afford it significant screening. The bunds, on completion, will appear as natural rises in topography and once vegetated will look indistinct from the baseline conditions. They will increase the horizon, slightly but not sufficient to cause any overbearing effects.</p> <p>Overall, the magnitude of change is considered to be low, resulting in a moderate level of effect.</p>
Drumcairn	895m	There will be no views of either of the Bunds from this property.
Balvaird	1838m	There will be no views of either of the Bunds from this property.

6.3 Assessment of Major Tourist and Transport Routes

Due to the position, scale and design of the bund, views from any main roads and transport routes are not possible including the A912 and A913.

6.4 Core Path ABNY107

This is the closest path to the proposed development, located in the Sawmill Wood 570m to the north-east of the eastern most bund. The ZTV indicates that the western spur which runs along the eastern side of Abernethy Glen will have theoretical visibility as will a section which heads up into Turflundie Wood. Both stretches are set within woodland which will screen any views of the bunds, while there is a clearing in the woodland near the summit of Turflundie Wood, it is not thought there would be visibility as nearby woodland will still provide screening and even if there are glimpses through the trees, on competition, the development will be indistinct from its surroundings. Overall, the magnitude of change would be **negligible**, resulting in a moderate/minor level of effect.

6.5 Core Path ABNY105

This core path is located to the north of the proposed development and the ZTV indicates there will be no visibility of the bunds from this path.

7 CONCLUSION

Overall, the impact the two bunds would have on the landscape and visual resource would be low to negligible. This visual impact is limited to within 1km of the proposed development and when visible would not be a prominent feature. The greatest impacted visual receptor would be the property at Mountquarry, however the bunds will reduce the visual impact of the turbines from this receptor and the immediate vicinity.

While the landscape impact would be slightly greater, it would still remain a low to negligible impact as the development would not result in the loss or alteration of any landscape elements or features which comprise the landscape and the LLA designation. Once fully restored, and vegetation established, the bunds would fit in well in terms of scale and form with the surrounding landscape.

PLANNING APPLICATION FOR PROPOSED DEVELOPMENT

BINN ECOPARK

LANDSCAPE SCREENING BUNDS

TRANSPORT ASSESSMENT

MARCH 2021

CONTENTS:-

	PAGE
1. Introduction	3
2. Background	3
3. Legislation & Guidance	4
4. Methodology	4
5. Vehicle Movements Associated With Proposed Development	5
6. Historic & Current Waste Inputs to Binn Ecopark	7
7. Traffic Count for Local Road Network	8
8. Projected Baseline Traffic Growth	9
9. Assessment of Effects	9
10. Potential Impact of HGVs Involved in Delivery of Materials	9
11. Residual effects & Conclusions	11

Transport Assessment – Plastics Reprocessing Facility (PRF) Binn Ecopark

1. Introduction

- 1.1. This Transport Assessment has been prepared in support of a planning application for a Proposed Development for “formation of two engineered landscape bunds”. The objective of the Proposed Development is to introduce some screening of sight lines and to reduce the visual impact of two wind turbines located with the Binn Ecopark on neighbouring properties.
- 1.2. The planning application was preceded by a request to Perth and Kinross Council for a screening opinion with feedback being received on 14th July 2020 as EIA Screening Opinion 20/00831/SCRN. The aspects of the environment which could be potentially significantly affected by the development as identified in the screening opinion included - Traffic and Road Safety in relation to importation of inert wastes for use in construction of the landscape bunds.
- 1.3. The conclusion of the Screening Opinion was that no formal Environmental Impact Assessment (EIA) was required however a number of assessments or statements were required to demonstrate that any potential risk of significant impact was avoided or prevented.
- 1.4. This Transport Assessment therefore seeks to address the requirements of Screening Opinion with regard to proposed vehicle movements associated with the Proposed Development .
- 1.5. The Transport Assessment (TA) has been prepared in line with the requirements of the screening opinion and as set out in Perth and Kinross Council’s transport assessment guidance. This assessment primarily focuses on understanding the future demand levels of Heavy Goods vehicles (HGVs) over the immediate local network during the construction of the Proposed Development.

2. Background

- 2.1. The Proposed development is served by a private access road which links the Binn Ecopark directly to the A912, approximately 200m north of its junction with the B996. The A912 is a principal road capable of handling the full range of vehicle types, including large HGV service units. Approximately 5.8km to the north of the Site, the A912 provides access to the M90 motorway at Junction 9 near Bridge of Earn. The M90 provides strategic route connections to Perth and Dundee (via A90) to the north and southbound links to Fife and the Forth Road Bridge. The A912 also provides local eastern connections with the A913 towards Abernethy at Aberagie. To the south, the A912 provides local connections to the B996 to Glenfarg and the southwestern sections of the A913.
- 2.2. The Binn Ecopark currently accommodates a number of waste management uses. The current transport routes used by vehicles delivering waste and services to and from the Site are:
 - The A912 travelling south from Bridge of Earn and Junction 9 of the M90;
 - The A912 travelling north from the A91; and
 - The B996 travelling north from the M90.

- 2.3. This assessment primarily focuses on the route between Junction 9 of the M90 and the A912, as this will primarily be used for HGV traffic during the construction of the Proposed Development.
- 2.4. The layout of the existing Site access junction with the A912 provides a left-turn entry radius of the order of 25m and left turn exit radius of 11m. such a layout is considered suitable to accommodate the safe passage of large waste vehicles. Visibility at the Site access junction is of the order of 150-160m in the critical leading direction (i.e. to the left) and 90-100m in the non-leading direction, when measured to the nearside kerb. Such visibility is considered appropriate given observed speeds on the A912, which are typically constrained in this locality by the horizontal and vertical alignments of the existing main carriageway.
- 2.5. It should be noted that large vehicles already use the Site access on a regular basis for the other facilities at the Binn Ecopark.

3. Legislation and Guidance

- 3.1. This assessment takes account of the following planning advice and guidance documents:

- SPP, Scottish Government (2014);
- PAN 75; Planning for Transport, Scottish Government (2005);
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations);
- Guidelines for the Environmental Assessment of Road Traffic, Institute of Environmental Management and Assessment (IEA, now IEMA) (1993);
- TAYPlan Strategic Development Plan 2016-2036; and
- Perth and Kinross Local Development Plan 2:2019 – Policy 60B

These are described in more detail in the following paragraphs:

- 3.2. Paragraph 286 of SPP (2014) notes that: “where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential cumulative effects which need to be addressed.”
- 3.3. Paragraphs 40 and 41 of Pan 75 relates to transport and state that; “ SPP17 requires a transport assessment to be produced for significant travel generating developments. Transport assessment is a tool that enables delivery of policy aiming to integrate transport and land use planning”, and that “All planning applications that involve the generation of person trips should provide information which cover the transport implications of the development. The level of detail will be proportionate to the complexity and scale of impact of the proposal...”.

4. Methodology

- 4.1. The assessment addresses the potential for significant effects from increased traffic movements during the construction period of the proposed development over historical and existing baseline levels.
- 4.2. Potential traffic related environmental effects have also been established by comparing predicted growth in local traffic levels to those anticipated by any

increase in traffic movements associated with the Proposed Development. In the absence of readily available data on projected traffic trends, we have used the same projections for traffic growth that were used in a recent Binn Wind Farm application (Ref: 14/01970/FLL) which were deemed to be acceptable by the LPA. There have been no other significant developments in the area since this application was submitted. Therefore, this approach is considered appropriate.

- 4.3. Traffic related environmental impacts have been established via a comparative assessment between the existing and consented baseline and the projected additional traffic movements associated with changing the waste inputs to the Site. To evaluate changes to the waste inputs to the Site over time, the annual waste inputs to the various activities on the site over the past 10 years have been analysed. This period has been used as a broad representative sample and to examine trends in site inputs over recent years and to capture the effects on input tonnages of changing activities on the site over this time period. These included the landfill site closing in 2014 and the opening of the new wood recycling operation in 2013.

5. Vehicle Movements Associated With Proposed Development

- 5.1. This assessment considers the transport related effects of the proposed Development against historical and existing baseline traffic levels. No traffic surveys have been undertaken to support the assessment. Instead, the existing baseline has been determined by reviewing local traffic count data (including the Department of Transport and any undertaken by Perth and Kinross Council), and waste throughput for the Site during the relevant period.
- 5.2. This application is for the construction of two landscape bunds for screening purposes. The total fill volume of the two bunds is approximately 136,271 m³ of infill materials. This comprises bund A (east) at 85,828m³ and bund B (west) at 50,443m³.
- 5.3. The density of infill materials will vary according to the nature of the material, for example soil has a lower density than concrete or stone etc. Typical soil densities could be around 1.0-1.5 tonnes/m³ while concrete/stone etc could be around 2.0 tonnes/m³. For the purposes of assessing the transport impact an assumed average density of 1.5 tonnes/m³ has been used.
- 5.4. The availability of infill materials will vary according to the level of construction, infrastructure or demolition works occurring within the wider Perth & Tayside area and the associated requirement for moving surplus inert materials off-site to recycling facilities such as the Binn Ecopark. The anticipated period of construction for the landscape bunds therefore cannot be precisely determined at this time as it will be dependent on the extent of such construction/infrastructure/demolition works. For the purposes of this assessment, historic data for movement on inert waste materials through the Binn Ecopark has been taken as the baseline.
- 5.5. A typical load of inert wastes would be moved by 32 tonne MPV 8-wheel Tipper vehicle. The average payload for this category of vehicle carrying this type of material would be 18 tonnes.
- 5.6. The proposed construction works will operate Mon-Frid 07.00-07.00 and Sat 08.00-13.00 i.e. 5.5 days a week.

5.7. The range of potential infill material quantities and related construction periods has been calculated and is shown on the table below:

Table 1: Potential Volume of Materials Required for Construction and Associated HGV Movements				
Potential Infill Tonnage / Annum	Equivalent Infill Volume / Annum (m3)	Projected Construction Period (years)	HGV Movements per Annum (into and out of site)	HGV Movements per day (into and out of site)
40,000 T	26,667m3	5.11 yrs	4,444	16
50,000 T	33,333m3	4.08 yrs	5,556	20
60,000 T	40,000m3	3.41 yrs	6,667	24
Assumptions:				
<ul style="list-style-type: none"> Total volume of proposed development = 136,271m3 Average infill material density = 1.5 tonnes/m3 Average delivery vehicle payload = 18 tonnes Movements per day calculated over 52 weeks and 5.5 days/week 				

5.8. Currently the Binn Farm waste management site receives and processes inert wastes through its licensed Materials Recovery Facility (MRF) with these materials being recycled through use either on approved restoration/construction outlets on-site (e.g. on restoration of the closed former landfill site) or are transferred off-site as substitute recycled aggregates for suitable off-site construction projects. The intention with this Proposed Development is that these materials could be diverted into formation of the new landscape bunds for the duration of the construction project.

5.9. The waste data returns submitted by Binn Group to SEPA for the year 2019 indicate that 36,434 tonnes of such inert waste materials were handled in this way. All waste data figures for year 2020 show a significant reduction in tonnage and waste movements due to the general impact of the covid-19 emergency on economic activity and are considered to be an unrepresentative indication of anticipated activity. It is proposed therefore to use the 2019 waste data as a baseline for existing inert waste movements through the Binn Farm site.

5.10. Taking this 2019 data as baseline gives the following potential increase in vehicle movements associated with the proposed development:

Table 2: Potential Additional Vehicle Movements				
Potential Infill Tonnage / Annum	Baseline 2019 throughput of inert wastes	Potential Additional Infill Tonnage	Potential Additional HGV Movements /Annum (into and out of site)	Potential Additional HGV Movements per day (into and out of site)
40,000 T	36,434 T	3,566	396	2
50,000 T	36,434 T	13,566	1,507	6
60,000 T	36,434 T	23,566	2,618	10
Assumptions:				
<ul style="list-style-type: none"> Average delivery vehicle payload = 18 tonnes Movements per day calculated over 52 weeks and 5.5 days/week Vehicle movements/day rounded up to nearest whole number 				

5.11. From the above Table it can be seen that the projected additional HGV vehicle movements would be somewhere in the range of 1-5 deliveries per day.

5.12. It is not anticipated that the proposed development will generate any additional car movements from employees at the facility as staff engaged on construction works would be deployed from the existing Binn Group workforce based at the Binn Ecopark.

6. Historic and Current Waste Inputs to the Binn Ecopark

6.1. Table 3 below presents the annual waste input data to the Binn Farm Complex from 2010 to 2019 obtained from each of the operating entities on site. As shown, in the period under review, the SITA landfill operation was at a peak in 2013, with inputs of approximately 206,000 tonnes in that year. The data indicates that peak overall waste inputs to the Binn Ecopark also occurred in 2013. In October 2014 the landfill site closed, resulting in a significantly reduced number of vehicles on the local road network.

6.2. Table 3 also provides latest representative waste input data (2020 data excluded as all flows impacted by covid-19 emergency). This indicates that since the closure of the landfill site in 2014 the natural growth of the Binn Group and additional processes such as SUEZ wood recycling has replaced some of the lost landfill tonnage. However, as shown, the Binn Farm Ecopark Complex received 240,000 tonnes of waste deliveries in 2019 which is far below the peak inputs recorded in 2013. Therefore, current vehicle movements to and from the Site continue to remain below the 2013 peak levels for receiving waste.

6.3.

Table 3: Historical and Current Waste Inputs at Binn Ecopark										
Waste Management Facility	Historic Tonnage								Current Tonnage	
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
SITA Landfill	138,000	128,000	163,000	206,000	110,000	--	--	--	--	--
Binn Group	120,000*	127,000	133,000	153,000	109,000	107,000	138,000	116,000	113,000	109,000
Teg /Earnside (IVC and AD)	--	30,000	34,000	43,000	38,000	31,000	34,000	34,000	48,000	56,000
Suez Waste Wood	--	--	--	50,000*	50,000*	66,000	64,000	70,000	70,000	75,000
Total	258,000	255,000	330,000	452,000	307,000	204,000	236,000	220,000	231,000	240,000

Note: All figures have been rounded to the nearest thousand.
 (*) Figures are estimated based on operations at the Site

6.4. As indicated at 5.4 above, the projected infill rate cannot be precisely determined at this time as it depends upon availability of suitable materials. If we assumed however a potential maximum infill rate of circa 60,000 tonnes/annum as shown in Table 1 this would imply an increase over current inert waste throughput of around 23,566 tonnes. This 23,566 tonne increase would be approximately a 10% increase over the total 2019 site input of 240,000 tonnes and would still be considerably lower than the previous site waste input of 2013 and the higher vehicle movements and traffic impacts encountered at that time.

7. Traffic Count for Local Road Network

7.1. Table 4 presents the Department Transport data for the route from the M90 Junction 9 to the A912 junction with the A913.

Table 4: Department of Transport Traffic Data for Route Junction 9 – A912/A913							
Year	Vehicles per day						
	Pedal cycles	Motor cycles	Cars / taxis	Bus / coaches	Light goods	HGVs	All Traffic
2010	8	88	7,551	110	1,516	747	10,061
2011	8	61	7,934	63	1,141	718	9,917
2012	6	57	7,871	65	1,180	713	9,886
2013	6	58	7,853	64	1,221	716	9,913
2014	4	64	7,833	67	1,271	719	9,954
2015	4	64	7,779	67	1,384	759	10,054
2016	4	64	7876	67	1495	795	10,296
2017	4	62	7866	65	1582	817	10,392
2018	4	61	7828	62	1657	838	10,446
2019	5	66	7,846	61	1,651	846	10,469
Notes: Route length considered is 2.8km. All data is estimated, other than for 2011 which is counted data.							

7.2. Counted traffic data for 2005 was provided by the LPA for the A912 to A913 section. This corresponds with the datasets presented in Table 4, as “all traffic” was recorded as 10,256 vehicles per day. 2004 data was also provided for the A912 from the roundabout at the junction with the A913 to the junction with the B996 (close to the entrance of the Binn Farm Complex). This data is provided below in Table 5. Data from more recent years was not available.

7.3.

Table 5: 2004 Perth and Kinross Council Traffic Data for Route A912-B996			
Site Name	PKC Identifier	Average 5-day vehicle daily flow	
		12-hour	24-hour
A912 North of Binn Hill entrance (between A912/B996 junction and A912/913 junction)	13112004	3,706	4,435

8. Projected Baseline Traffic Growth

8.1. This assessment has considered the:

- 2019 “all traffic” estimate for the A90 to A912 junction with the A913 route i.e. 10,469 vehicles per day (see table 4 above); and
- 2004 counted data for the A912 to B996 route – 4,435 vehicles per day (see Table 5 above)

8.2. An annual traffic growth factor of between 1.18% and 1.2% (as used in the recent Binn Wind Farm application (Ref: 14/01970/FLL) has been applied to these traffic movements to predict the daily flow of vehicles in 2021, the anticipated start date for the development. The results are shown in Table 6:

Table 6: Predicted Baseline Traffic Growth for A912			
Location	Survey Year	Estimated Growth Factor	2021 predicted vehicle daily flow (24-hour)
A912 between M90 slip and the A912/913 roundabout junction	2019	1.18%	10,718
A912/913 roundabout junction and the A912 with the B966	2004	1.2%	5,432

9. Assessment of Effects

9.1. During construction of the Proposed Development the traffic impact of the proposed development in terms of HGV movements is considered to be not significant when assessed against the 2019 baseline figures and the predicted baseline growth in local traffic up to the end of 2021.

9.2. The rationale for this conclusion is as follows:

- If we assumed that all additional HGV movements were to use Junction 9 A912/A913 and that the maximum value (i.e. 10 movements per day) from the projected range of additional HGV movements (Table 2) was applied then this would result in an estimated increase in HGV movements at Junction 9 A912/A913 of 1.18% per day on the 2019 baseline figure (846) as a result of the proposed development.
- These potential additional HGV movements equate to 0.09% of all traffic generated per day at this junction on the projected 2021 baseline total (10,718).
- For the A912 route from the A912/913 junction to the B966 junction these potential additional HGV movements would equate to 0.18% of the projected 2021 daily vehicle flow on this section of the road network.
- There will be no increase in car movements as a result of the Proposed Development

10. Potential Impacts of HGVs Involved in Delivery of Materials

10.1. The construction of the Proposed Development is expected to occur over 3-5 years. This is an extended period due to variability in supply of suitable inert waste

materials for use in construction, however during this construction period it is anticipated there would be limited impact on the local road network. The projected additional inputs to the site indicate there could be an average of up to 10 additional HGV movements on the local highway network per day. This change in vehicle numbers could be described as a negligible magnitude of change i.e. 0.18% of projected daily flow traffic flow on local road network .

10.2. Notwithstanding the limited number of additional vehicle movements, any projected increase in HGV numbers can have the potential to result in the following impacts during the construction of the Proposed Development:

- Increased risk of accidents and safety
- Pedestrian delay
- Pedestrian amenity
- Increased traffic noise and vibration
- Increased levels of pollution resulting from vehicle exhaust emissions
- Track-out of dust and dirt onto the local highway network

10.3. For these specific potential impacts the evaluated outcomes are as follows:

10.3.1. Increased risk of accidents and safety - any increase in traffic numbers has the theoretical potential to increase the risk of accidents. The marginal increase in vehicle numbers predicted during the construction of the development are within average day to day variation in traffic levels. Due to the numerous local causation factors involved in personal injury accidents, Environmental Impact Assessment guidelines do not recommend the use of thresholds to determine significance. Given that the changes predicted are significantly lower than the historic landfill operational phase at Binn Farm, the potential effects related to accidents and safety during construction are not considered to be significant. Site Rules for access to the Binn Ecopark will be issued to all delivery drivers instructing that due care should be taken on all local access routes with full observation of any speed limits and that action could be taken to prevent future deliveries from any driver committing a breach of these Site Rules.

10.3.2. Pedestrian Delay – changes in volumes, composition or speed of traffic may affect the ability of people to cross roads. In general terms, increase in traffic levels are likely to lead to greater increases in delay. However, given the range of local factors and conditions and location of the Proposed Development (the area is of low sensitivity) it is unlikely that during the peak construction times when traffic is heaviest, that the estimated HGVs per hour at peak times would have an impact on pedestrian delay. Therefore, the potential effect is considered to be negligible.

10.3.3. Pedestrian Amenity – pedestrian amenity is broadly defined as the relative pleasantness of a journey and is considered to be affected by traffic flow, traffic composition and pavement width/separation from traffic. The local area is considered to be of low sensitivity and the change in vehicle numbers is described to be negligible. Therefore, the significance of effect on pedestrian amenity during construction is expected to be negligible.

10.3.4. Increased traffic noise and vibration – the rural location of the Binn Ecopark and the site location of the Proposed Development within former low intensity

agricultural land means that there are very few sensitive receptors potentially impacted by any increased traffic noise and vibration associated with HGV movements to and from the development site. In addition, the low potential increase in numbers of HGV movements compared to current baseline flows on the local road network means that these HGV movements would be within daily fluctuations in traffic flow and can be considered to have a negligible effect. This view is confirmed by the proposed working hours for the development which would ensure that any HGV movements occurred during daylight hours with resultant low risk of nuisance from noise and vibration.

10.3.5. Increased levels of pollution resulting from vehicle exhaust emissions – Delivery HGVs involved in supply of materials for the construction project will predominantly be equipped with Euro 6 engines capable of meeting latest emission standards and fit for purpose for operating on the local road network. The rural nature of the development location will also mean that there will be no risk of traffic delays/queuing or vehicle idling on the public highway with associated potential for increased concentration of emissions. The potential transport impacts on local air quality from this Proposed Development are therefore assessed as being very low and when considered together with the low projected increase in HGV movements are assessed as have a negligible impact overall.

10.3.6. Track-out of dust and dirt onto the local highway network – certain types of development can during construction give rise to deposition of dust and dirt on surrounding roads. The overall impact depends on the nature of site infrastructure and management practices. These problems with dust and dirt are unlikely however to occur at a distance of greater than 50m from the road (IEMA 1993). The Proposed Development is located within the Binn Ecopark some distance away from the public highway and significantly in excess of 50m. Given the on-site travel distance involved, and as construction vehicles will have access to a wheel wash installed on site, these issues can be well controlled and the impact is expected to be negligible.

11. Residual Effects and Conclusions

11.1. This assessment has assessed the potential traffic impacts resulting from the construction of the Proposed Development at Binn Ecopark. This involved a review of existing historical data on waste entering the Binn Ecopark; an assessment of potential traffic volumes associated with the Proposed Development; together with a review of traffic survey data for the main delivery route. These reviews have then provided baseline figures for comparison with any changes resulting from proposed vehicle movements associated with the Proposed Development.

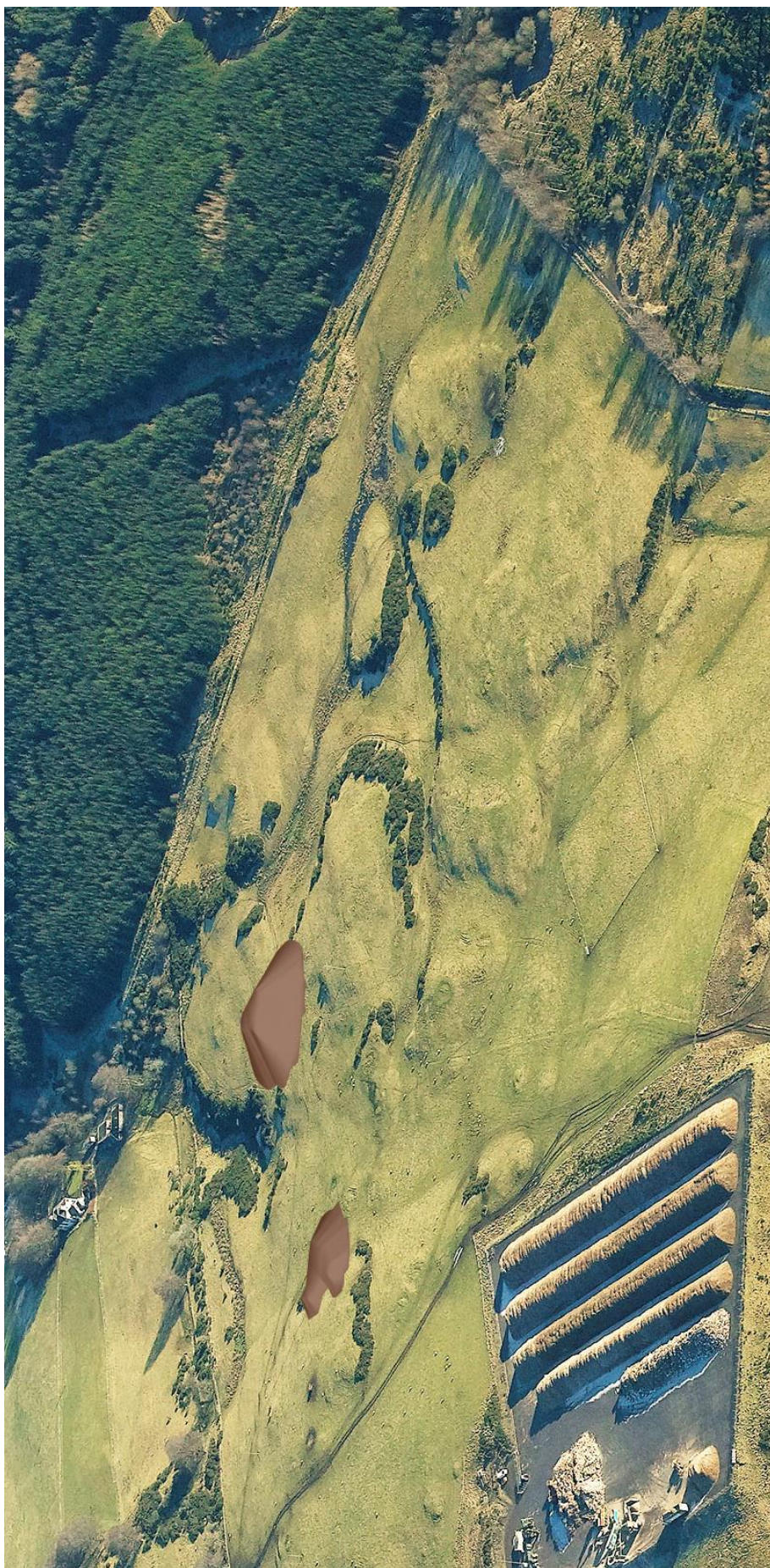
11.2. As indicated above, during the construction development, the additional transport impacts can be considered negligible. Of the potential volume of inert wastes required to build the landscaped bunds a high % of this will be sourced from existing streams already handled at Binn Farm. The balance of any additional tonnage per annum would be expected to arrive in bulk delivery vehicles. This

results overall in a very small potential number of additional HGV movements per day i.e. potentially up to 10 (5 in and 5 out).

- 11.3. The majority of any potential additional traffic flow will be on the A90 Junction 9 via the A912 to the site entrance, close to the junction with the B996. The comparison of the proposed changes in vehicle movements with the reported local traffic flows demonstrates that it is expected the local road network can adequately absorb the generated traffic from the facility with no adverse effect on the performance of the local network, including the effect on the risk of accidents and effects on pedestrian delay and amenity.
- 11.4. This conclusion is further underlined by comparison to historic high numbers of vehicle activity associated with the former landfill site at Binn Farm.
- 11.5. The projected low numbers of additional vehicle movements and proposed standards of operations during construction and application of appropriate mitigation measures also means that the Proposed Development should have a negligible impact on local environmental conditions from transport aspects of the project.

References

1. Binn Ecopark Wind Farm – Environmental Statement Vol 2, November 2014
2. Institute of Environmental Management and Assessment – Guidelines for the Environmental Assessment of Road Traffic 1993
3. Perth and Kinross Council – Local Development Plan – Policy TA1B February 2014
4. The Scottish Government – Planning Advice Note 75: Planning for Transport August 2005
5. The Scottish Government - Scottish Planning Policy June 2014
6. The Strategic Development Planning Authority for Dundee, Angus, Perth and North Fife (TAYPlan) – Strategic development Plan 2012-2032



Supporting Planning Statement

Landscape Bunds – Binn Farm

Introduction

This is an application for the formation of 2 landscape bunds on land at Binn Farm. The bunds will be formed using inert waste as categorised by SEPA, and the majority of which will be sourced from existing waste streams at Binn Ecopark. The main purpose of the bunds will be to act as visual screening for residential properties to the north east from the recently constructed wind turbines.

Site Description and Proposed Development

The application site comprises 2 areas of land where the bunding will be formed situated to the north east of Binn Eco Park and to the south east of the former landfill site. The current land use is rough grazing land and the land slopes uphill in a south westerly direction towards the wind turbines. There are no trees on the application site and it is characterised by hummocky terrain with small areas/pockets of gorse. The nearest residential properties are situated 200m to the north east of the proposed bunds. The proposal involves the phased formation of 2 engineered landscape bunds which will be formed using inert waste (soil & rubble) suitable for approval by SEPA under an appropriate registered exemption within the waste management licensing regime. The volume of the bunds will be approximately 86 000 cubic metres of the most easterly bund (Bund A) and 50 000 cubic metres for the westerly bund (Bund B). Both bunds are approximately 18m in height above ground level. A vehicular access track will be formed to each of the bunds and will be linked to an existing access track for the wind turbines which will provide access to the wider Ecopark and the public road network.

National Policy and Guidance

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

Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan (2016 – 2032)

TAYplan is a Strategic Planning Authority for the Tay Cities region. The Strategic Development Plan was approved in October 2017 and states that:

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

The following policies of the TAYplan 2016 will be of particular importance in the assessment of this proposal:-

Policy 2: Shaping Better Quality Places

To deliver better quality development and places to respond to climate change and where waste management solutions are incorporated into development.

Policy 7: Energy, Waste and Resources

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives and by contributing to the strategic waste management infrastructure hierarchy near the Perth core area.

Perth and Kinross Local Development Plan 2019

The Proposed Development is within the designated countryside of the Perth and Kinross Local Development Plan 2019. The relevant local plan policies are summarised in the following sections:-

Policy 1: Placemaking

This policy requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. Under this policy, all development should be planned and designed with reference to climate change mitigation and adaption.

Policy 26B: Archaeology

The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

Policy 37: Management of Inert and Construction Waste

Applications for the recycling and processing of inert and construction waste which are environmentally acceptable will be supported where:

- (a) they are located in an appropriate industrial area or on appropriate brownfield land;
- (b) they are located at an existing active mineral or landfill site and the facility will be removed on the completion of the landfill or mineral extraction operation;
- (c) on operational mineral and landfill sites the operations would not prejudice or delay the approved restoration of the site;
- (d) they are accompanied by a revised scheme for the restoration of the whole site with appropriate phasing; and
- (e) they will not result in adverse impacts, either individually or in combination, on the integrity of a European designated site(s).

Policy 39: Landscape

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 Development Plan criteria.

Policy 41: Biodiversity

Under this policy, all wildlife and wildlife habitats (whether formally designated or not) would 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 52: New Development and Flooding

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a medium to high risk of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion, wave overtopping and storm surges.

Policy 53: Water Environment and Drainage

Policy 53A (Water Environment – the Scottish River Basin Management Plan) includes protection and improvement objectives which aim to ensure that there is no deterioration of water body status and where possible secure long-term enhancements. Proposals for development which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused planning permission unless the development is judged by the Council to be of significant specified benefit to society and/or the wider environment.

Policy 53B (Foul Drainage) notes that the foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks.

Policy 53C (Surface Water Drainage) require all new developments to employ Sustainable Urban Drainage Systems (SUDS) measures. This requirement will be satisfied by condition on any consent.

Policy 53D (Reinstatement of Natural Watercourses) states that the Council will not support development over an existing culvert or the culverting of watercourses as part of a new development unless there is no practical alternative. Where deemed necessary it will be essential to provide adequate access for maintenance.

Policy 53E: (Water Supply) where all new development must be served either by a satisfactory mains or private water supply complying with the Water (Scotland) Act 1980 and associated Private Water Regulations, without prejudicing existing users. It will be the responsibility of the developer to demonstrate that any new supply is suitable and is safe to be consumed as drinking water in line with the above act and regulations.

Policy 55: Nuisance from Artificial Light and Light Pollution

The Council's priority is to prevent a statutory nuisance from occurring. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. Proposed lighting equipment should comply with current standards, including approved design standards. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Policy 56: Noise Pollution

There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses. Similarly, there will be a presumption against the locating of noise sensitive uses near to existing sources of noise generation.

Policy 57: Air Quality Management Areas

Within or adjacent to designated Air Quality Management Areas (AQMAs), development proposals which would adversely affect air quality may not be permitted. Within these areas, where a development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify the impact on air quality and any appropriate mitigation measures. Proposals and mitigation measures must not conflict with the actions proposed in the Air Quality Action Plan. In addition, there will be a presumption against locating development catering for sensitive receptors in these areas which may result in exposure to elevated pollution levels.

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

All development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, prior to private car journeys. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks.

Relevant Planning Considerations

The main determining issues were identified in the Pre-Application Response dated 5 August 2020 and in order to mitigate any adverse effects it was recommended to submit the following assessments:- Landscape and Visual Impact Assessment, Ecology Report including assessment of impact on Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), Transport Assessment, Hydrology Assessment and Construction Method Statement. SEPA also indicated additional information would be required on the inert waste types and sources. These assessments are summarised below.

Landscape and Visual Impact

The proposal represents a modification of the existing landform where the main considerations will relate to the visual and landscape character impact of the bunding. The application site is in the Ochil Hills Local Landscape Area which is a prominent upland area extending across the south of Perth and Kinross characterised by:-

- Relatively wild and tranquil, yet readily accessible and with good provision for a range of users
- Extensive natural landcover of heather moorland, grassland and woodland
- Distinctive southern scarp slopes, steep interior glens
- Though there are few distinctive peaks, there are many accessible summits and viewpoints
- Rich in features of geological and historical interest

One of the main forces for change have been the development of wind energy in the Ochils and the objectives of the Council in accommodating this change is to try and ensure that proposals for masts, turbines and solar farms should not have an adverse impact on the special qualities of this sensitive environment. A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The main conclusions reached in this were that:-

The application site and the surrounding area is heavily characterised by the presence of the recently constructed wind turbines as well as the recycling centre which occupies much of the local area. The topography is raised, however dips down to create a shallow bowl which provides a strong level of containment to the development site. Inside the bowl, the topography is undulating, often rising to small rounded summits, which limit visibility and provide further containment to parts of the landscape. Landcover is mostly rough grassland with occasional areas of gorse and woodland, with commercial forestry more common to the north and east.

The landscape has a strong capacity for this type of development, if positioned and designed sympathetically. Landscape bunds, by their nature, tend to be small rounded lumps with a

simple landcover, which is in keeping with the type of topography seen in the area. The undulating nature of the landform, will help provide containment to the bunds, where they should only appear in localised views. Shaping bunds to reflect the existing topography, following contours and have a landcover which is similar rough grassland, will help the site to maximise its capacity to accommodate the bunds...and the shape of the bunds are in keeping with the existing hummocky topography and once reinstated the landcover will be indistinct from the adjacent existing landscape.

For the reasons outlined above and the conclusions reached in the LVIA the proposed bunds will maintain the landscape qualities of Perth and Kinross in accordance with Policy 39 Landscape of the adopted local development plan.

Traffic and Road Safety

A Transport Assessment has been completed for the proposal. The construction of the Proposed Development is expected to take 3-5 years. This is an extended period due to the variability in supply of suitable inert waste materials for use in construction, however during this construction period it is anticipated there would be limited impact on the local road network. The projected additional inputs to the site indicate there could be an average of up to 10 additional HGV movements on the local highway network per day. This change in vehicle numbers could be described as a negligible magnitude of change i.e. 0.18% of projected daily flow traffic flow on local road network. Notwithstanding, the limited number of additional vehicle movements, any projected increase in HGV numbers can have the potential to result in the following impacts during the construction of the Proposed Development:

- Increased risk of accidents and safety
- Pedestrian delay
- Pedestrian amenity
- Increased traffic noise and vibration
- Increased levels of pollution resulting from vehicle exhaust emissions
- Track-out of dust and dirt onto the local highway network

As indicated above, during the construction development, the additional transport impacts can be considered negligible. Of the potential volume of inert wastes required to build the landscaped bunds a high percentage of this will be sourced from existing waste streams already handled at Binn Farm. The balance of any additional tonnage per annum would be expected to arrive in bulk delivery vehicles. This results overall in a very small potential number of additional HGV movements per day i.e. potentially up to 10 (5 in and 5 out).

The majority of any potential additional traffic flow will be on the A90 Junction 9 via the A912 to the site entrance, close to the junction with the B996. The comparison of the proposed changes in vehicle movements with the reported local traffic flows demonstrates that it is expected the local road network can adequately absorb the generated traffic from

the facility with no adverse effect on the performance of the local network, including the effect on the risk of accidents and effects on pedestrian delay and amenity.

This conclusion is further underlined by comparison with historic high numbers of vehicle activity associated with the former landfill site at Binn Farm. The projected low numbers of additional vehicle movements and proposed standards of operations during construction and application of appropriate mitigation measures also means that the Proposed Development should have a negligible impact on local environmental conditions from transport aspects of the project.

The Proposed Development will not have any significant impact on the existing public road network and will not impact detrimentally on public vehicle and pedestrian road safety in accordance with Policy 60B of the adopted local development plan.

Hydrology and Drainage Impact

A Hydrology and Hydrogeology Impact Assessment has been undertaken for the proposed formation of the landscape bunds. The risk of pollution or disruption of watercourses, groundwater bodies, and private water sources, within or near the site, needs to be assessed and appropriately mitigated where necessary.

The proposal involves an alteration of the existing topography, which has potential to change the rate of runoff from the footprints of the bunds. *Any change in runoff will be minimal, with a highly localised influence.*

Loosely compacted substrates can be eroded by runoff, which could transport sediments into adjacent watercourses and lead to a loss of stability in the bund. *Erosion is expected to be most prevalent during the construction of the bund, and reduce in magnitude as the substrates naturally settle and compact.*

The amount of the resultant suspended solids pollution will be greater during heavy rainfall events, although the dilution potential is also at its greatest during these periods.

Mitigation measures will be applied to reduce any risk of silt run-off, together with containment measures to prevent any such run-off from accessing any local watercourse. *Considering the relatively small footprint of the relevant elements of the development, the Magnitude of the potential impact to watercourses and to groundwater is considered to be Medium and the Significance is Moderate.*

It is considered that there will be no adverse impact on private water supplies from the proposed development for the reasons outlined above.

Two areas with high groundwater dependence (GWDTE) are located adjacent to one of the bunds. Given that the bund will be formed using inert materials that will be screened for leachability prior to construction, the potential for contamination to groundwater under the bund is expected to be negligible. The bund will not be clay capped however, which will

enable precipitation to freely drain through the bund and support groundwater replenishment in the vicinity of the GWDTE. It is expected that the free-draining structure of the bund will negate any risk of loss to these GWDTE communities.

It is concluded that the Proposed Development will not have a significantly adverse impact on the existing water environment and with minimal runoff from the bunds it will not pose or exacerbate any flood risk issues in the area in accordance with Policies 52 and 53 of the adopted local development plan.

Ecological Impact

Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 700m from the application site. The site is important for its population of breeding great crested newts, which is the only known breeding population in east Perth & Kinross, and for its assemblage of breeding amphibians, which is the richest in east Perth & Kinross.

There are no operational or construction effects which will negatively impact any species, habitats, flora or fauna within the site, or on the adjacent Glen Wood (AWI). It can be concluded that there will be no adverse effects on the integrity of the Turflundie Wood SAC resulting from this proposal.

There will be no tree loss as a result of the proposal or any impact on Ancient Woodland.

It is concluded that the proposal will have no adverse impact on the ecology of the site and surrounding area in accordance with Policy 41 of the adopted local development plan.

Construction Environmental Management Plan

A Construction Method Statement has been submitted and outlines how the bunds will be formed to ensure that impact on residential amenity during construction operations is limited as much as possible. The CEMP/CMS provides a summary and explanation of the construction activities, construction materials (types and sources of inert wastes), methods and sequencing that will be undertaken during the bund construction. It also highlights the proposed safeguards that will be put in place to minimise any risks during the construction process and measures to protect any nearby residential amenity from for example noise and dust in accordance with the Placemaking policy guidance of the adopted local development plan.

Other considerations

The construction of the bunds will be formed using inert waste (soil & rubble), suitable for approval by SEPA under an appropriate registered exemption within the waste management licensing regime. The bunds will use a high percentage of the inert waste which is recovered from existing waste streams entering Binn Ecopark. The proposal therefore is in an

appropriate location in relation to the supply of material and is an extension of existing operations at the Ecopark. Also, there will be no adverse impacts as a result of the bunding and the proposal is generally in accordance with Policy 37 (Management of Inert and Construction Waste).

As indicated in the Pre-Application response a programme of works would be an appropriate course of action, and that an archaeological walkover is undertaken which could be secured by a condition on any consent. If no upstanding remains are identified this would be followed up by a simple watching brief during any top soil stripping works. This will ensure any unknown archaeology is dealt with appropriately and allow evaluation of this part of site in accordance with Policy 26B of the adopted local development plan.

Conclusions

In accordance with the requirements set out in the Pre-Application response this submission has included all the necessary assessments. It is concluded that the proposed landscape bunds will not have any adverse impact on the character or appearance of the landscape at this location, the hydrology or hydrogeology of the area or the local biodiversity. The Construction Environmental Management Plan demonstrates that the construction and operational impacts of the bunding can be managed and mitigated satisfactorily to limit as far as possible any adverse effects on neighbouring residential amenity. It is concluded therefore that the Proposed Development can be implemented in accordance with the Development Plan.

LRB-2021-36
21/00550/FLL – Formation of two landscape bunds and
associated access track, Binn Eco Park Wind Farm,
Glenfarg

REPRESENTATIONS

FAO Kristian Smith
Planning and Development
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

24 May 2021

Our ref: CDM162985

Turflundie Wood SSSI/SAC

Dear Sir/Madam,

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY PLANNING ETC (SCOTLAND) ACT 2006

RE: FORMATION OF TWO LANDSCAPE BUNDS AND ASSOCIATED ACCESS TRACK, BINN ECO PARK WIND FARM GLENFARG FOR BINN FARM LTD

Thank you for consulting us on the above application.

Reason for consultation - Any impact on Turflundie Wood Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) - located 650m from the application's site boundary.

We agree with the conclusion of the Ecology Report and conclude that, based on the survey findings for Great Crested Newt over this site since 2012 and the distance between the proposal site and the Turflundie Wood SAC population, there is no connection to and therefore no likely significant effect on Turflundie Wood SAC from this proposal.

Yours sincerely,

Sue Warbrick
SUE WARBRICK

Area Officer / Tayside and Grampian

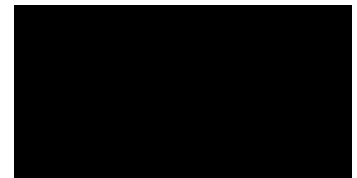
Battleby, Redgorton, Perth PH1 3EW | Mobile: 07717540908

From: [REDACTED]
Sent: 25 May 2021 23:28
To: Development Management - Generic Email Account <DevelopmentManagement@pkc.gov.uk>
Subject: PLANNING APPLICATION REFERENCE 21/00550/FLL

Please find, attached, our objection to the proposed formation of 2 bunds at Binn .

To avoid any doubt, we strongly object to the proposal as detailed in the attached document and urge refusal of the application.

Christine and Andrew Menzies



Tuesday 25 May 2021

Perth & Kinross Council
Development Management
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

By email only to: DevelopmentManagement@pkc.gov.uk

PLANNING APPLICATION REFERENCE 21/00550/FLL
Formation of two landscape bunds and associated access track at Binn Farm

[REDACTED] the property nearest to the proposed bunds.

You will note from the Introduction to the developer's Supporting Planning Statement, that ***"the objective of the Proposed Development is to ... reduce the visual impact of two wind turbines located with the Binn Ecopark on neighbouring properties"***.

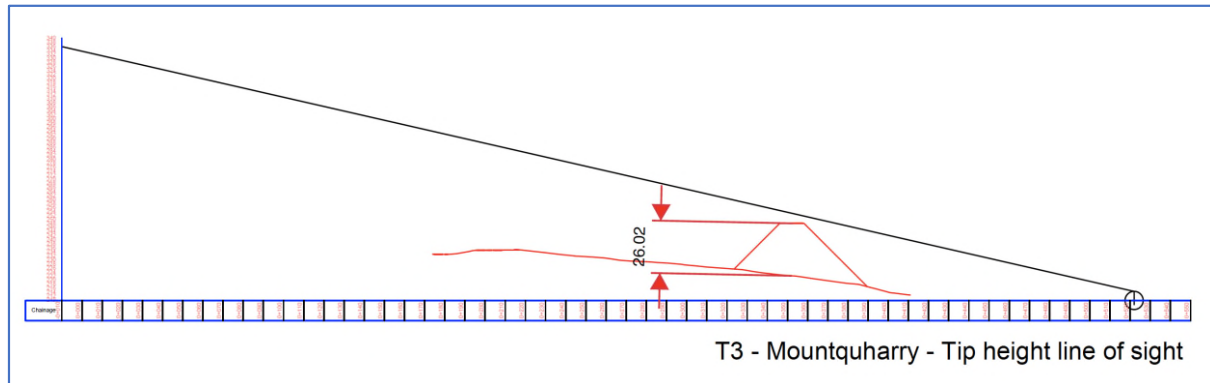
We are the occupiers of that neighbouring property. Indeed, as the most proximate property to those wind turbines, it is our home whose visual amenity has been most adversely impacted by the constriction of those wind turbines.

However, despite the developer's endeavours in this application to mitigate that adverse visual impact by the formation of two bunds, we want to clearly and unambiguously record our opposition to the proposal to create these bunds by registering our **objection** to this planning application and proposing that it be **refused**.

Our opposition is based upon the facts that:

a. because of their inadequate height and width, the proposed bunds will not provide adequate mitigation for the visual impact of the turbines.

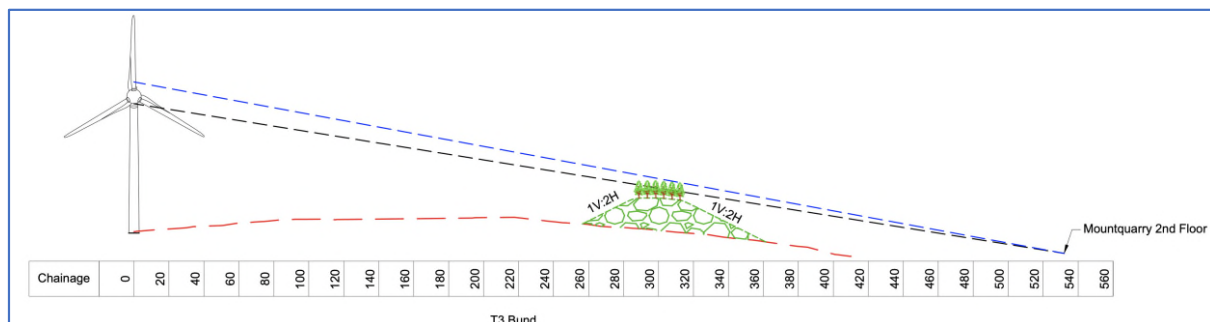
Early consultation with the developer was for a scheme that would entirely hide the wind turbines, right to the maximum height of the turbine blades, completely obliterating the mast, the motor and the blades, as viewed from the upstairs windows of my property. Indeed, the developer provided us with schematic diagrams to demonstrate how the construction of bunds reaching a height of 26m and extending and overlapping over a wider vista than that now proposed would, along with appropriate mature tree planting, seek to achieve those objectives.



Initial representation provided by the developer of bunding to screen the wind turbines based on a topographical survey and computer modelling

For us, such a scheme brought the added benefit that it would almost certainly address the shadow flicker nuisance that we currently suffer and that the physical barrier might also provide some mitigation against turbine noise.

It is interesting to note that the initial supporting planning statement for this application (1 April 2021), indicated bund heights of 26m and 25m but was withdrawn and replaced by a statement indicating bund heights of 18m, consistent with the bund cross sections submitted on the 15th April 2021.



Bund long cross section included in planning application.

From the recent visual representation, provided as part of the current planning application, there is a clear indication that the part of the mast, the entirety of the motor and the full extent of the turbine blade will still be visible and audible from our property. The visualisation suggests that tree planting may moderate the view of the turbine motor, however it must be remembered that the long construction period for these bunds, at least 3-5 years with a distinct possibility of extension beyond that, coupled with proposals only to plant 60cm 1-year-old saplings, means that the usefulness of that screening will not be felt for some considerable years. Our experience of a similar commitment by the same land owner to plant

trees to screen the 7-acre concrete biofuel storage pad (12/02171/FLL) is that inadequacy of the tree planting and the subsequent lack of care meant that none of the trees thrived and many died, rendering the proposed screening non-existent, almost 10 years on.

b. the proposed nature and extended timescale of the construction of the bunds will cause a significant and unacceptable nuisance.

The construction of the bunds is proposed to be by way of depositing inert waste, over a period estimated to be between 3-5 years, but without any assurance that even that would be sufficient time to create the bunds. This is entirely contrary to the pledge by the land owners representative in March 2020, who suggested that pending local authority consents, the scheme could be implemented and the land surfaces restored by the end of 2020. While that starting point has been delayed, that does not negate the expectation of a scheme that could be concluded within 6-9 months.

During the, now proposed, extended period, local residents and visitors, most acutely felt at my own property, would suffer the typical consequences of a live landfill site, including, but not limited to:

- the unwelcome noise of vehicle movements, including engine noise and reversing beepers, for vehicles depositing material, starting early in the morning, extending into the late evening, and at also at weekends;
- the unwelcome noise of the machinery engaged in gathering and spreading material;
- the unacceptable consequential dust emanating from site excavation and from the deposit and movement of the land fill material.

All without the absence of control by SEPA over the scheme because of the 'inert' nature of the waste being deposited.

c. the proposed scheme will adversely affect the special qualities a landscape of this sensitive environment over an unacceptably extended period

The proposed scheme would see:

- unwarranted construction of new roads and additional buildings on a green-field site;
- the unwelcome introduction of nuisance lighting in an area of essentially dark-sky;
- the unwarranted scarring of the landscape, described by the developer as '*wild and tranquil*' with '*extensive natural landcover of heather moorland, grassland and woodland*', for a period of many years;
- restoration of the landscape relegated to the distant future, with proposals for an inadequate planting scheme, which itself has no guarantee of success, nor, apparently, any enforceability by the planning authority.

We would also submit that while the application seeks to characterise the site in terms of other developments on the Binn farm site, the particular site of the proposed bunds and the associated new access road lies above and away from, what the developer describes as the "*shallow bowl*" that provides a "*strong level of containment*". This site has, for many decades, if not centuries, been used solely for agricultural purposes, most recently cattle grazing. The proposed site for the bunds lies outside the defined boundary of Binn Farm as

shown in the adopted Local Development Plan - itself representing sufficient reason for rejection of the proposal.

If consented, this proposal will continue a pattern, through the creeping expansion of the industrial Binn waste management site, of eroding the rural character of this land and may establish a base for the further erosion of the regional distinctiveness and scenic value of this sensitive environment.

In conclusion, while we remain disappointed at the loss of visual amenity and the additional noise caused by the erection of the wind turbines, it is clear to us that the cumulative effect of compounding that with the nuisance and landscape impairment arising from an extended construction period for two inadequate bunds, would be entirely unacceptable.

We submit:

- given that the party whom the developer seeks to benefit from the bund's construction is unequivocally opposed to the scheme;
- given that the extended period of the bunds' construction would cause significant nuisance and utter devastation of the prevailing tranquillity and sensitive landscape for nearby residents and visitors without achieving the intended outcome; and
- given that there is no broader community or amenity benefit to be gained by the construction of the bunds;

that the Council should have no hesitation in rejecting this planning application.

In the event that this application is not rejected outright by Council planning officials it is possible that the application will come before the Council's Planning Committee for determination. We would ask that we be given notice of such a meeting and that we, individually, not collectively with other objectors, be given an opportunity to address any such Committee meeting that determines the application.

Yours sincerely

Christine and Andrew Menzies

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 21/00550/FLL

Our ref MA

Date 25/5/2021

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Formation of two landscape bunds and associated access track Binn Eco Park Wind Farm Glenfarg for Binn Farm Ltd

I refer to your letter dated 5 May 2021 in connection with the above application and have the following comments to make.

Water (assessment date – 25/5/21)

Recommendation

I have no objections to the application but recommend the undernoted condition and informative be included in any given consent.

Comments

The development is for bunding and access tracks in a rural area with private water supplies believed to serve properties in the vicinity. To maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informative. No public objections relating to the water supply were noted at the date above.

WS00 Condition

Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

WAYL - Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Development Management - Generic Email Account

From: [REDACTED]
Sent: 26 May 2021 16:31
To: Development Management - Generic Email Account
Subject: PLANNING APPLICATION REFERENCE 21/00550/FLL

PLANNING APPLICATION REFERENCE [21/00550/FLL](#)

Formation of two landscape bunds and associated access track at Binn Farm

I am writing on behalf of Abernethy and District Community Council to lodge an objection to the proposed planning application at Binn Eco Park ([21/00550/FLL](#)).

The residents of Abernethy and District have lived alongside the Binn facility for many years, and were pleased, more recently, to see an end to land fill operations. Our objection to this application reflects a concern that this proposal would see the return of such operations to the site, albeit for the disposal of inert waste, itself a concern because such activities are not regulated by SEPA.

Our substantive objections are that:

1. This scheme sits outside the core Binn waste management site, above the 'containment bowl' so, through damaging the visual and landscape character of this site, risks having an adverse impact on the special qualities of this sensitive environment, for an extended and indeterminate number of years.
2. The scheme proposes the construction of access roads and buildings on what is literally a green-field site, eroding the rural character of the land.
3. The scheme proposes the introduction of new lighting, in an area, hitherto, unspoilt by artificial lighting.

We also note that the planning Statement intimates that "the main purpose of the bunds will be to act as visual screening for residential properties to the north east from the recently constructed wind turbines". However we understand that the residents most acutely impacted by that visual impact are opposed to the formation of the bunds.

Yours sincerely
Carol McMahon
Planning, Abernethy Community Council



MEMO

To: John Williamson, Planning Officer
From: Sophie Nicol, Historic Environment Manager
Email: Sophie.Nicol@pkht.org.uk

Wednesday, 26 May 2021

21/00550/FLL | Formation of two landscape bunds and associated access track | Binn Eco Park Wind Farm Glenfarg

Thank you for consulting PKHT on the above application. We were also consulted during the pre-application process and our position on this still stands. This area was subject to a Desk Based Assessment in 2006, although no formal walkover took place as part of this work. Given this area of site lies greenfield there is potential for impact on unknown archaeological remains. However recent archaeological monitoring of turbine bases to the south revealed one significant archaeological feature, a fire pit of potential prehistoric date, although this was located 1km SW from the proposed bund development.

In this case we would suggest that in the first instance the proposed bund locations are walked over by an archaeologist to ensure no upstanding archaeological remains are encountered. If features are found the bunds should aim to avoid these, allowing preservation in situ, or recording of features by full record. Dependent on the walkover results and likely potential of the sites this may be followed up by further mitigation.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

HE25 *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 which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. 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. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

Notes:

1. **Should consent be given, it is important that the developer, or their agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 21/00550/FLL

Our ref LRE

Date 28 May 2021

Tel No 01738 476462

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

21/00550/FLL RE: Formation of two landscape bunds and associated access track Binn Eco Park Wind Farm Glenfarg for Binn Farm Ltd

I refer to your letter dated 5 May 2021 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I have no objection in principle to the application but recommend that the undernoted conditions be included on any given consent.

Comments

This application is for the construction, which is to be over a 3- 5 year period, of two bunds to reduce the visibility of the existing turbines T3 and T4 (Planning approval 14/01970/FLL for 4 wind turbines) at residential properties to the north east. The maximum height of the T3 bund is 18.06 metres and the maximum T4 bund height is 18.64 metres.

The plans also indicate that tree planting will be on top of both bunds and has included projection line of sight, when trees are at 5 m & 10 m high, to the closest residential property.

The closest residential property to the proposed bunds and the wind turbines is Mountquharry House which is approximately 185 metres away.

There are two representations, objecting to the development, at the time of writing this memorandum raising concerns with regards to construction noise nuisance in addition to existing turbines operational noise, inadequate bund heights, shadow flicker and light pollution.

This Service is at present investigating operational noise under the statutory nuisance regime of the Environmental Protection Act 1990.

The landscape & visual impact assessment states that the skyline in the vicinity of Mountquharry currently contains views of the existing wind turbines and that the bund locations would alter the skyline by screening "some" of the visibility of the wind turbines and "the two most visible turbines now screened by the bunding".

However, plans indicate that at the property the bunds themselves would not block most the turbines as sources and the trees would block direct views to part of the turbine blades as they rotate as parts of blades of T3 & T4 are still visible

Noise/Dust

The installation of the bunds will have a negligible overall effect on the operational noise from the wind turbines and the trees would also have a negligible effect on physical screening of operational noise.

The construction of the bunds will be from the use of inert waste such as soil and rubble which the majority of which will be sourced from existing waste stream at Binn Ecopark. The applicant states that the "Construction of the bunds would evolve over time, as material becomes available to form the bunds. This would result in very low-key activity, which would occur infrequently during this time."

The formation of the bunds is estimated to be between 3-5 years based on the availability of inert waste and the transport report states that there will be an additional 10 HGV movements per day to the site.

There will be a temporary construction compound which will store materials, welfare facilities and parking for plant. The temporary welfare facilities area will house: the site manager's cabin with messing facilities and drying area; self-contained toilet facilities; an electrical generator and a fuel storage / refuelling area.

The planning statement submitted with the application states that the proposed construction working times are Monday to Friday 0700 to 1900 hours and Saturday 0800 to 1300 hours

There is the potential during the construction period of the bunds that noise and dust can affect the residential amenity of neighbouring properties.

The applicant has submitted a Construction Management Plan/ Construction Method Statement dated March 2021 which outlines the measures to minimise the impacts of dust, and noise.

I have the following comments to make in relation to the CMP/CMS the applicant has not stated what type of monitoring will be undertaken to ensure dust is not an issue beyond the site boundary or at nearest residential property.

Noise Section 5.2

The report states.

"The Principal Contractor will ensure that any diesel generators which are running outside of the construction hours of the site should not cause noise disturbance to any residential properties."

It should state how this be achieved i.e. with low noise generator and/or baffling/enclosures?

It should state that noise and dust complaints will be recorded and timescale to respond to complaints should be stated

Dust Section 6.8

The report states "Temporary cover maybe provided for earthworks if necessary", what conditions would trigger this action.

It also states an appropriate speed limit will be imposed for the dust generation; the actual speed limit should be stated within the document.

Therefore, once the above comments have been addressed for the CMP/CMS will I be happy to approve the dust and noise sections.

I have no objections to the application but recommend that the undernoted conditions be included on any given consent to protect the residential amenity of neighbouring properties.

Conditions

DC02 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

EH31 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

- The approved Construction Management Plan/Construction Method Statement and mitigations for the control of dust and noise as agreed shall be fully implemented throughout the construction of the development.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00550/FLL	Comments provided by	G Bissett
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Formation of two landscape bunds and associated access track		
Address of site	Binn Eco Park Wind Farm Glenfarg		
Comments on the proposal	<p>The Ballo Burn is a flood sensitive watercourse so it is critical run off rates are not increased in the catchment.</p> <p>I would request that the developer considers further mitigation to limit any potential increased run off from the proposed bunds, should the application be granted. A potential option may be cut off drains/swales along the down slope side of the bunds to further limit any potential increased run-off.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	28/5/21		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00550/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Formation of two landscape bunds and associated access track		
Address of site	Binn Eco Park Wind Farm Glenfarg		
Comments on the proposal	<p>Policy 38A: International Nature Conservation Sites Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Area of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:</p> <ul style="list-style-type: none"> a) An appropriate assessment has demonstrated that it will not adversely affect the integrity of the site; or b) There are no alternative solutions; and c) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. <p>The proposed development site is located 650m from Turflundie Wood Special Area of Conservation (SAC) internationally important for great crested newts. I agree with the conclusion of the Ecology Report and conclude that, based on the survey findings for Great Crested Newt over this site since 2012 and the distance between the proposal site and the Turflundie Wood SAC population, there is no connection to and therefore no likely significant effect on Turflundie Wood SAC from this proposal.</p> <p>Policy 40: Forestry, Woodland and Trees The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>The submitted Ecology Report states that this development will have no impact on the conifer plantation situated to the east that is listed on the Ancient Woodland Inventory as 'Long-Established (of plantation origin)'. The landscaping planting scheme proposing three native species including Scots pine is welcomed.</p> <p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. 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.</p>		

	<p>The submitted Ecology Report summarises survey data from 2012-2020 and provides a detailed impact assessment. As the proposed development site is a field of improved grassland for grazing animals, semi-improved neutral grassland, with scrub habitat of gorse and <i>Juncus</i> spp, it is concluded that no impact on ecological interests will result from this development proceeding.</p> <p>The submitted Construction Environmental Management Plan/ Construction Method Statement is comprehensive and the commitment to appoint an ECoW for the duration of works is welcomed.</p>
Recommended planning condition(s)	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • TR13 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number. • NE00 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. • NE01 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
Recommended informative(s) for applicant	
Date comments returned	31 May 2021

Memorandum

To	Development Management & Building Standards Service manager	From	Regulatory Services Manager
Your ref	21/00550/FLL	Our ref	RMC
Date	11 June 2021	Tel No	

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

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

Consultation on an application.

RE: Formation of two landscape bunds and associated access track Binn Eco Park Wind Farm Glenfarg for Binn Farm Ltd

I refer to your letter dated 5 May 2021 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 11 June 2021)

This redevelopment site has not been consulted prior to this consultation:

Comments

From interpretation of the information, i.e. aerial photographs and other topographical information, it would appear that the area which the bunds will be situated is what would have been rough grazing land. There is no reason to suspect that there has been any previous use of the land that may have led to there being a potential source of contamination that would require an assessment.

Although searches of historical mapping has not identified and there is no further information held by the Authority to inform and to indicate that the application area has not been affected by contamination that may cause a constraint to the proposed development, It shall be the responsibility of the applicant to satisfy themselves that the ground conditions are as such that the development will be suitable for which planning consent has been granted.

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00550/FLL	Comments provided by	Mike Lee Transport Planning Officer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Formation of two landscape bunds and associated access track		
Address of site	Binn Eco Park Wind Farm Glenfarg		
Comments on the proposal	<p>I do not believe the additional vehicles accessing the site during the construction phase of this proposal will have a significant impact on the roads network.</p> <p>Insofar as the Roads matters are concerned, I have no objection to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	29/06/21		

From: Planning South East <PlanningSouthEast@sepa.org.uk>
Sent: 12 July 2021 11:29
To: John Williamson - TES
Subject: RE: Formation of Bunds at Binn Eco Park, Glenfarg (ref:21/00550/FLL) SEPA re 1700

OFFICIAL – BUSINESS

John,

**Formation of Bunds at Binn Eco Park, Glenfarg
21/00550/FLL**

Further to your consultation with SEPA on the application at Binn Eco Park, Glenfarg.

We have **no objection** to this application.

This is an application for the formation of two landscape bunds at Binn Farm to act as visual screening from the recently constructed wind turbines. The bunds are stated as to be formed of inert waste, sourced primarily from the waste management facility Binn Ecopark. Binn Ecopark is a waste management facility undertaking a variety of activities such as dry mixed recycling, solid, aggregate, wood and metal recycling, composting, and anaerobic digestion. From the Binn Ecopark approximately 1km of new access track will be formed to each of the bunds.

SEPA gave pre application advice on the potential risk to groundwater from the proposed landscaping bunds in August 2020. The review concluded that more information was required on the origin and nature of the waste, and that a risk assessment should be undertaken for the water environment. We highlighted four records of private water supplies present within 750m of the proposed bunds.

Additional information, including a risk assessment and a construction environmental management plan (CEMP), has been provided as part of the application and these have been reviewed by us.

The CEMP states that an application will be made to SEPA to authorise the construction of the bunds as a Paragraph 19 Exemption from Waste Management Licensing. These authorisations are for the use of the waste for the purpose of construction or other relevant works. Sites operating under a paragraph 19 exemption can only use wastes listed in Table 11 of Schedule 1 to the Waste Management Licensing (Scotland) Regulations 2011 (as amended).

Hydrology & hydrogeology

The site is approximately 100m from a mapped spring and unnamed burn that flow northwards to its confluences with the Ballo Burn.

The site lies within the Glenfarg bedrock groundwater body (Waterbody ID 150527). This groundwater body is currently assessed at the regional scale as being at 'Good' status.

There are no superficial deposits mapped at the proposed location. The bedrock geology comprises andesites, igneous rock of the Ochil Volcanic Formation. This is classed as being a fractured low productivity aquifer.

The bedrock aquifer groundwater vulnerability from pollution is classed as 5, on a scale of 1 low to 5 high.

Private water supplies

We previously identified that Drinking Water Quality Regulator (DWQR) records show four Private Water Supplies (PWS) near the site (Table: 1), and advised that a fifth, Catochil Farm, was also likely to have a PWS due to its close proximity to the other properties.

Table 1: Private Water supplies

Number	Name	Source Type	Approx. distance & direction from site	DWQR ref.
1	Mountquharrie Borehole	Groundwater	210m north northeast	SCOPAK01170
2	Grampian View Supply	Groundwater	450m northeast	SCOPAK01137
3	Mountquharrie Farmhouse Supply	Surface water	470m north northeast	SCOPAK01169
4	Glen Cottage Supply	Groundwater	625m southeast	SCOPAK01129

The submitted Hydrology and Hydrogeology Impact Assessment states, “Previous planning applications for the site identify a private water supply at approximately 318212, 713625 (150m southwest of Bund No. 1) which served the properties at Catochil. The private water supply is currently disused, as the properties at Catochil have a mains water supply. All other properties within the study area are connected to the mains water supply”.

Designated groundwater dependant terrestrial ecosystems (GWDTE)

The nearest water-dependant designated special area of conservation (SAC), Turflundie Wood, lies approximately 700m east of the site on the opposite side of Ballo Burn, and is upslope topographically, it is highly unlikely it would be a receptor of any groundwater contamination originating from this site.

The supporting documentations states that there are two areas on non-designated GWDTEs next to one of the bunds. The section further reports that 1) the potential for contamination of the GWDTEs is negligible as the material will be checked to confirm it is inert and 2) the bunds will not be capped, they will be free draining, and therefore groundwater flow to the GWDTEs will not be hampered.

The two engineered landscape bunds footprints are entirely within improved grassland habitat, with negligible conservation value. Small areas of M23a *Juncus effusus/acutiflorus-Galium* rush-pasture (M23a), which is generally species-poor, dominated by *Juncus effusus*, have been identified in the vicinity of the bunds during previous ecological walkover surveys.

We agree with the conclusion that the change in supply of water to these habitats is likely to be minimal. M23 rush pasture is frequently supplied by surface water runoff, and in this instance is of low conservation value. Therefore, we have no concerns relating to GWDTE in regard of this proposal.

Waste material for the formation of bunds

Origin of material

The bunds are stated as expected to be formed using inert wastes available to the Ecopark at the time of construction mainly from the Binn Skips Ltd facility within the Ecopark itself.

Materials from other sources may also be used such as from third party off-site construction/demolition activities. The expected amount of waste from off site is not detailed, but previously at pre application stage it was stated as 80% from existing operations at the Binn Ecopark and 20% from external sources.

The CEMP reports the following waste types are proposed to be used for bund material:

European Waste Catalogue (EWC) code	Waste Description
Construction and demolition waste	
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics

17 05 04	Soil and stones
Waste from the mechanical treatment of waste	
19 12 09	Minerals (sand, stones) from mechanical treatment of waste
Garden and park waste	
20 02 02	Soil and stones from garden and park wastes

Pollution potential

For waste to be defined as ‘inert waste’ the total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water or groundwater. The Hydrology and Hydrogeology Impact Assessment reports that construction materials will be sampled “to confirm leachability and ensure that only suitable inert substrates are used”. Leachability tests in line with Landfill Waste Acceptance Criteria (WAC) for inert wastes are to be carried out.

We understand the WAC inert leaching tests cover the relevant contaminants of concern, with associated limit concentrations:

Inorganic contaminants- metals, chloride, fluoride and sulphate

Organic contaminants- total organic carbon, phenols, BTEX, PCBs, mineral oil and PAHs

Sample frequency is stated as to be agreed, but it is proposed to be at a rate of one sample per 4,000 tonnes of output.

No significant excavations below ground and no dewatering have been proposed.

Key findings & Recommendations

SEPA have the following findings and recommendations in relation to the planning application for the two landscaping bunds (86,000 m³ for easterly bund, 50,000 m³ for westerly bund) constructed from inert waste material.

1. Within the Hydrology and Hydrogeology Impact Assessment it is reported that the properties discussed at the preapplication stage have mains water supply, and do not have active private water supplies (DWQR locations: Catochil Farm, Mountquharrie Borehole, Grampian View Supply, Mountquharrie Farmhouse Supply and Glen Cottage Supply). The Council may wish to confirm that these private water supplies are no longer in use.
2. The Hydrology and Hydrogeology Impact Assessment categorises the potential impact to groundwater as medium and the significance as moderate. The nature of the material for the bunds being inert is imperative to the risks to groundwater and groundwater receptors being acceptable. It is agreed that leachability testing of the bund material to confirm it adheres to the limits for inert waste is needed to ensure that the water environment is adequately protected.

I trust these comments are of assistance – please do not hesitate to contact me if you require any further information.

Regards
Alasdair

Alasdair Milne
Senior Planning Officer
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

Telephone 01786 452537
Mobile 07827 978405
www.sepa.org.uk



Friday 5 November 2021

Legal and Governance Services
Committee Team
Perth & Kinross Council
2 High Street
Perth
PH1 5PH


By email only to: PlanningLRB@Ppkc.gov.uk

LRB-2021-36

Town & Country Planning (Scotland) Act 1997 The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013

Application Ref: 21/00550/FLL – Formation of two landscape bunds and associated access track, Binn Eco Park Wind Farm, Glenfarg – Binn Farm Ltd

Thank you for the opportunity to make representation to the Local Review Body in respect of an appeal against the refusal of the above planning application.

By way of context, I think it is important to emphasise that we live in 
the property nearest to the proposed bunds; and most affected by the associated wind turbines.

You will note from the Introduction to the developer's Supporting Planning Statement, that ***“the objective of the Proposed Development is to ... reduce the visual impact of two wind turbines located with the Binn Ecopark on neighbouring properties”***.

We are the occupants of the neighbouring property. Indeed, as the most proximate property to those wind turbines, it is our home whose visual amenity has been most adversely impacted by the construction of those wind turbines. It is important to emphasise that in relation to efforts of the developer to mitigate visual impact, the construction of the bunds would impact only our property, no other.

Despite the developer's endeavours in this application to mitigate that adverse visual impact by the formation of two bunds, we want to clearly and unambiguously repeat our **objection** to the proposal to form these bunds; and would respectfully request that **the review application be refused**.

We would, respectively, invite the Local Review Body to visit our property:

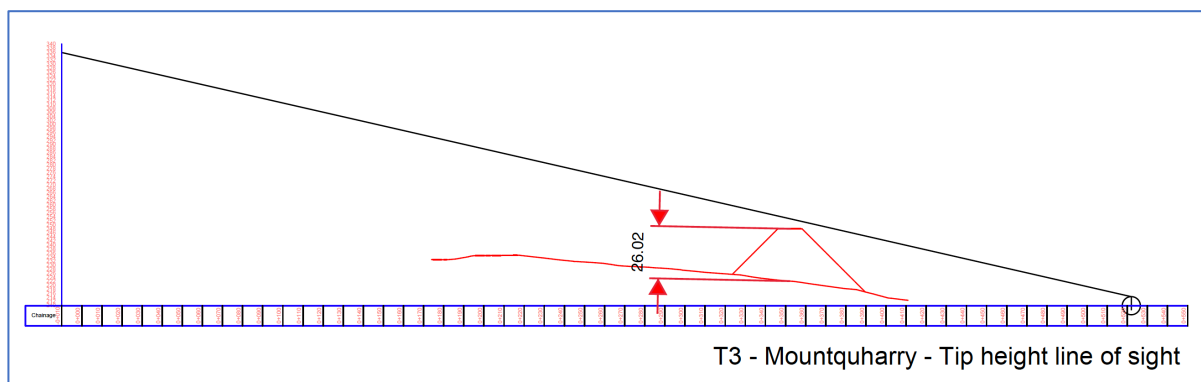
- to better appreciate the character of the environment, which, from this shielded eastern perspective, is very different from what you may have previously seen if you have ever visited the Binn site; and

- to see, first hand, just how close the proposed development is to our home, and so how unacceptable its impacts would be.

Our opposition is based upon:

1. The inadequate height and width of the proposed bunds will not provide adequate mitigation for the visual impact of the turbines.

As we previously intimated, early consultation with the developer and the schematic diagrams they shared with us, proposed bunds reaching a height of 26m (not 18m as applied for) and extending and overlapping over a wider vista than that currently proposed.

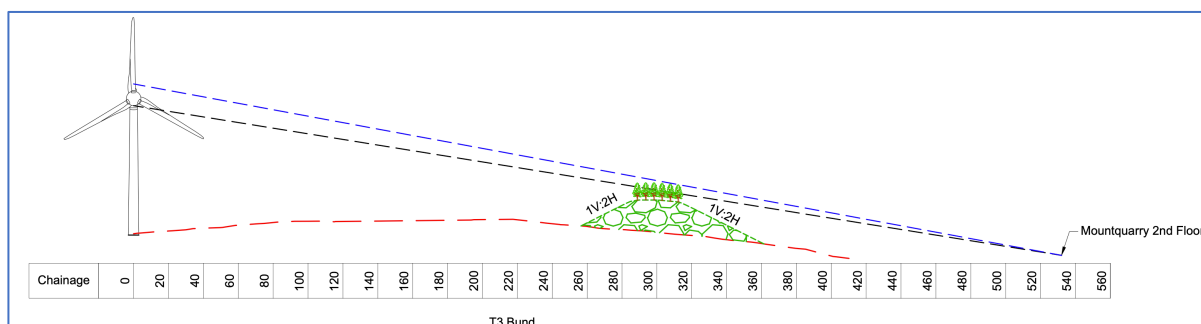


Initial representation provided by the developer of bunding to screen the wind turbines based on a topographical survey and computer modelling

Along with appropriate mature tree planting, such a scheme would have entirely hidden the wind turbines, right to the maximum height of the turbine blades, completely obliterating the mast, the motor and the blades, as viewed from the upstairs windows of our property.

For us, such a scheme brought the added benefit that it would almost certainly address the shadow flicker nuisance that we currently suffer and that the physical barrier might also provide some mitigation against turbine noise.

Although the initial supporting planning statement for this application (1 April 2021), indicated bund heights of 26m and 25m that was withdrawn and replaced by a statement indicating bund heights of 18m. The consequences of that, as can clearly be seen from the visual representation accompanying the planning application, is that part of the mast, the entirety of the motor and the full extent of the turbine blade will still be visible and audible from our property.



Bund long cross section included in planning application

The visualisation suggests that tree planting may moderate the view of the turbine motor, however it must be remembered that the long construction period for these bunds, at least 3-5 years with a distinct possibility of extension beyond that, coupled with proposals only to

plant 60cm 1-year-old saplings, means that the usefulness of that screening will not be felt for some considerable years; if indeed ever, given our experience of a previous screening commitment by the same land owner in respect of 7-acre concrete biofuel storage pad (12/02171/FLL), where the inadequacy of the tree planting and the subsequent lack of care meant that none of the trees thrived and many died, rendering the proposed screening non-existent, almost 10 years on.

I would also submit that given the nature of the horizon to the south and west of our property, the construction of such a bund is likely to deprive our home of light for significant periods of the day over an extended period of the year; a matter not addressed or impact assessed by the planning application.

We can also report, on the basis of information we gained from an independent, professionally qualified, practicing noise consultant, that it would be wrong to assume that the construction of bunds will provide any mitigation for noise. Indeed they advise that without a proper, full and independent assessment, it is possible that the topography of the bunds may accelerate or concentrate the already significant and unacceptable noise reception at our home from turbines, which in the experience of the consultant, are much closer than any he had ever seen in a non-financially involved property.

2. The proposed nature and extended timescale of the construction of the bunds will cause a significant and unacceptable nuisance.

As we intimated previously, the planning application proposes construction over a period estimated to be between 3-5 years (but without any assurance that even that would be sufficient time to create the bunds), which is contrary to the pledge by the land owners representative, in March 2020, who, when he visited us, suggested that the scheme could be implemented and the land surfaces restored by the end of 2020. While that starting point has been delayed, that does not negate the expectation of a scheme that could be concluded within 6-9 months.

The current proposal, most acutely felt at my own property, will expose local residents and visitors to the typical consequences of a live landfill site over an extended period, including, but not limited to, the noise of vehicles delivering material (engine noise and reversing beepers) and the noise of machinery gathering and spreading material, from early in the morning, extending into the late evening, and at weekends; as well as unacceptable consequential dust emanating from site excavation and from the deposit and movement of the land fill material. All in the absence of any control over the scheme by SEPA because of the 'inert' nature of the waste being deposited.

3. The proposed scheme will adversely affect the special qualities a landscape of this sensitive environment has, over an unacceptably extended period

The proposed scheme would see:

- unwarranted construction of new roads and additional buildings on a green-field site;
- the unwelcome introduction of nuisance lighting in an area of essentially dark-sky;
- the unwarranted scarring of the landscape, described by the developer themselves as *'wild and tranquil'* with *'extensive natural landcover of heather moorland, grassland and woodland'*, for a period of many years;

- restoration of the landscape relegated to the distant future, with proposals for an inadequate planting scheme, which itself has no guarantee of success, nor, apparently, any enforceability by planning officers.

4. The proposed scheme is contrary to Policy 37 of the Perth & Kinross Council Adopted Local Development Plan 2 (2019)

While the application seeks to characterise the site in terms of other developments on the Binn farm site, the site of the proposed bunds and the associated new access road lies above and away from, what the developer describes as the “*shallow bowl*” that provides a “*strong level of containment*”. This site has, for many decades, if not centuries, been used solely for agricultural purposes, most recently cattle grazing.

Policy 37 of the Perth & Kinross Council Adopted Local Development Plan 2 (2019) requires that inert and construction waste only be recycled or processed on an appropriate industrial area or on a brownfield land or on an existing active mineral or landfill site. Given that the site is none of these things; is in fact a greenfield site; and is remote from the existing waste management facility; the proposed development is clearly contrary that policy.

If the appeal is allowed, this proposal will continue a pattern, through the creeping expansion of the industrial Binn waste management site, of eroding the rural character of this land and may establish a base for the further erosion of the regional distinctiveness and scenic value of this sensitive environment.

5. The proposed site for the bunds lies outside the defined boundary of Binn Farm as shown in the adopted local development plan

The fact that proposed development site lies outside the defined boundary of Binn Farm facility as shown in the Adopted Local Development Plan 2 (2019) represents sufficient reason for rejection of the proposal.

In conclusion, while we remain disappointed at the loss of visual amenity and the additional noise caused by the erection of the wind turbines, it is clear to us that the cumulative effect of compounding that with the nuisance and landscape impairment arising from an extended construction period for two inadequate bunds, would be entirely unacceptable.

We submit:

- given that the party whom the developer seeks to benefit from the bund’s construction is unequivocally opposed to the scheme;
- given that the extended period of the bunds’ construction would cause significant nuisance and utter devastation of the prevailing tranquillity and sensitive landscape for nearby residents and visitors without achieving the intended outcome;
- given that there is no broader community or amenity benefit to be gained by the construction of the bunds; and
- given that the scheme is contrary to the provisions of the Perth & Kinross Adopted Local Development Plan 2 (2019),

that the Local Review Body should have no hesitation in refusing this review application and so upholding the refusal of planning permission.

Although we are not expert on the Local Review Body processes, if appropriate, we would be happy for the Review Body to visit our home to better visualise the impacts and proximity of the proposed development; and if appropriate, we would be happy to provide any further clarification or explanation that the Review Body might seek to support their decision making.

In the event that a hearing session is fixed, we would ask to be invited to address the Review Body

Yours sincerely

Christine and Andrew Menzies

