

TCP/11/16(340)

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

**NOTICE OF REVIEW
AND
REPORT OF HANDLING**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000086836-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

DM Hall Baird Lumsden

You must enter a Building Name or Number, or both:*

Ref. Number:

First Name: *

James

Last Name: *

Reilly

Telephone Number: *

0131 477 6001

Extension Number:

Mobile Number:

Fax Number:

0131 477 6016

Email Address: *

james.reilly@dmhbl.co.uk

Building Name:

Building Number:

17

Address 1 (Street): *

Corstorphine Road

Address 2:

Town/City: *

Edinburgh

Country: *

UK

Postcode: *

EH12 6DD

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Gordon"/>
Last Name: *	<input type="text" value="Lennox"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="21"/>
Address 1 (Street): *	<input type="text" value="Buchan Drive"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Newmachar"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="AB21 0NR"/>

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Land 650 metres north west of Innernyte Farm, Kinclaven.

Northing	<input type="text" value="736400"/>	Easting	<input type="text" value="312380"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Application for the proposed siting of 1No wind turbine (1x EWT Direct Wind 54 - HH 40 wind turbine, measuring 40m to hub and 67m to tip) on land 650 metres North West of Innernyte Farm, Kinclaven. The tower will be tubular with a three blade 54 metre rotor blade diameter (See turbine technical drawing attached separately). The transformer and control building will be located away from the site of the turbine.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I have prepared and submitted a separate Planning Appeal Statement for the attention of the Local Review Body, however in summary we do not consider that the planning officer when making their recommendation to refuse this planning application took sufficient account of either the Environmental Statement, Cumulative Landscape and Visual Impact Assessment (CLVIA) Report, economic and environmental benefits.

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

☐ Yes ☒ No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning Appeal Statement, Environmental Statement, Cumulative Landscape and Visual Impact Assessment (CLVIA) Report, letters to MSP, viewpoints

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00627/FLL

What date was the application submitted to the planning authority? *

04/04/14

What date was the decision issued by the planning authority? *

29/10/14

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

Given the weight which the planning officer and Historic Scotland have placed on perceived impact upon the landscape and historic property we would request a site by the Local Review Body to get their opinions on this. It feels to us that the views of Historic Scotland and planning officer are subjective. We would greatly welcome consideration being given to weighing up the positive environmental and economic benefits of the proposal which the planning officer has given very little weight to.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: James Reilly

Declaration Date: 29/01/2015

Submission Date: 29/01/2015

Mr Gordon Lennox

**Land at Innernyte Farm
Kinclaven, Perthshire**

**Planning Appeal Statement for planning application
reference 14/00627/FLL for Local Review Body**

January 2015



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1. Introduction

- 1.1 This Planning Appeal Statement has been prepared by James Reilly MA (Hons) MRTPI, Head of Planning with DMH Baird Lumsden, on behalf of our client Mr Gordon Lennox, in respect of a review of the decision by Perth and Kinross to **refuse** a revised planning application for the proposed siting of 1 single wind turbine, at land located at Innernyte Farm, Kinclaven, Perthshire. The Planning application reference for this is 14/00627/FLL.
- 1.2 Further to a previous refusal for planning permission to place a single turbine on the farm at Innernyte, reference 13/00860/FLL, our client Mr Lennox approached DMH Baird Lumsden (DMHBL) Chartered Surveyors to assist in this matter.
- 1.3 The 2013 planning application to Perth & Kinross Council was for the proposed erection of a single turbine with a hub height of approximately 65m and a blade tip height of approximately 88.5m. The proposed turbine was to be the three blade variety and, in addition to the turbine itself, a small ancillary control building was proposed. 150m of new access track was also proposed.
- 1.4 Planning application reference 13/00860/FLL was refused under delegated powers by Perth & Kinross Council in July 2013. There were seven reasons for refusal attached to the Decision Notice.
- 1.5 My client instructed DMH Baird Lumsden to assist with a revised planning application for the installation of a smaller wind turbine on the same site as the planning application submitted in 2013.
- 1.6 An amended planning application for a EWT DW54 500 kW wind turbine at Innernyte Farm, Kinclaven, Perthshire (grid reference **E312380 N736400**) was prepared and submitted to Perth and Kinross Council in May 2014.
- 1.7 This Supporting Planning Appeal Statement provides an overview of the Decision and supporting planning policy together with a comprehensive review of the key planning issues which we wish the Local Review Body to consider in their review of the refusal.
- 1.8 It is recognised that, due to the presence of a listed building in the vicinity, Historic Scotland objected to the original planning application for a 65m single wind turbine.



- 1.9 With respect to the objection of Historic Scotland and with a view to trying to resolve their concerns and those of Perth & Kinross Council, there was engagement with both the planners and representatives from Historic Scotland prior to re-submission of our application reference 14/00627/FLL.
- 1.10 This Planning Appeal Statement should be read in conjunction with an Environmental Statement and Cumulative Landscape and Visual Impact Assessment (CLVIA) Report prepared by Thermal Power Engineering Ltd.

Grounds for Appeal

- 1.11 The main grounds for our appeal is that too much weight was given to the objection to the application from Historic Scotland and not enough to the evidence presented within a Cumulative Landscape and Visual Impact Assessment Report (CLVIA), Environmental Statement and Supporting Planning Statement.
- 1.12 We request, therefore, that the Local Review Body of Perth and Kinross Council undertake a site visit to view the potential impact of the proposed wind turbine upon the listed building and landscape. We request this in order to allow the Local Review Body to weigh up the environmental and economic benefits of the proposal to our client, whose family successfully farm and provide jobs in Perthshire, against the perceived negative impacts.

2. Background / Site Description

- 2.1 This Planning Appeal Statement has been prepared in respect of the Decision Notice dated 29th October 2014 to **refuse** a revised planning application – reference 14/00627/FLL – which was for the proposed development of a single wind turbine at Innernyte Farm, which is located to the north east of the village of Stanley in Perthshire.
- 2.2 As part of the process of trying to determine the most appropriate location for the wind turbine, both in terms of optimising the efficiency and effectiveness of the turbine to maximise output and, as importantly, trying to mitigate any potential visual and noise impact, our client undertook the work necessary to prepare an Environmental Statement for the previous planning application refused last year – reference 13/00860/FLL.
- 2.3 Initial feasibility studies of the site at Innernyte Farm indicated that it was suitable for two 250kW wind turbines, with a hub height of 55m and tip height of 71m. Following pre-application screening process, Perth & Kinross Council advised that the development was unlikely to have significant adverse effects on the environment and, therefore, adopted a screening opinion to the effect that the development was not an EIA development.
- 2.4 Background noise measurements indicated, however, that the dual turbines would have caused the noise level at one receptor to be above the recommended limits. The original proposal was then modified from the pre-screening application for a quieter single 500kW turbine with 65m hub height and 88.5m tip height.
- 2.5 As a result of the refusal of planning permission in 2013, DMH Baird Lumsden was engaged to assist with a revised planning application – reference 14/0627/FLL.
- 2.6 Prior to preparation and submission of a revised planning application, and in order to try and further mitigate the potential visual impact of a single wind turbine, I sought a pre-application meeting with Perth and Kinross planning department and also Historic Scotland.
- 2.7 Meetings and discussion did take place and whilst Historic Scotland did admit that the impact of the revised turbine, with a hub height of 50m would have a lesser impact, they would not remove their objection.

- 2.8 The work undertaken by my client in respect of the CLVIA Report and Environmental Statement details and evidences how the revised proposal would have a low level of impact however the planning officer still recommended refusal.
- 2.9 We are not satisfied nor convinced that the Council undertook any work to counter the evidence put forward in support of the revised planning application and believe that the decision about impact of turbine is based on a subjective feeling rather than based on any actual measured impact, which my client went to considerable time, effort and expenditure to prepare in good faith.
- 2.10 The purpose of this Planning Appeal Statement is to consider how National and Local Planning Policy should be considered by the Local Review Body as part of their decision making process in respect of this appeal.

3. The Proposal

- 3.1 A revised planning application for the proposed installation of 1 x EWT Direct Wind 54 – HH 40 wind turbine, measuring 40m to hub and 67m to tip was submitted to Perth and Kinross Council in May 2014. The tower was to be tubular with a three blade 54m rotor blade diameter. **(See Turbine Technical Drawing attached separately)**. The transformer and control building would be located away from the site of the turbine and this is shown on **Drawing No. TPE-PLAN-0202 Rev 2**.
- 3.2 The previous application which was refused by Perth & Kinross Council was for a much larger single wind turbine at the same location as proposed for this application. The previous turbine application was for a hub height of 65m, total height 88.5m.
- 3.3 Prior to submission of this revised planning application and on behalf of my client, I met with a planner from Perth and Kinross Council (Mark Williamson) to discuss. Due to the concerns of Historic Scotland, meetings also took place with representatives from Historic Scotland to try and resolve their concerns.
- 3.4 With their response to the application last year Historic Scotland, under the Conclusions, stated;
- “This proposal would have a significant adverse impact on the understanding, appreciation and experience of the Stobhall Inventory designed landscape together with its A-listed buildings. Whilst we object to the proposal in its current form, we consider that the impact of the turbine could be mitigated by a reduction in height and relocation. We would be happy to take part in any Council-led discussions in this regard.”
- 3.5 Due to the limited potential locations for the positioning of a wind turbine at the farm, due to a combination of topography and potential impact on inhabited properties, it was not possible to relocate the new turbine. In an effort to resolve the concerns of Historic Scotland, however, my client significantly reduced the height of the revised turbine which should lessen the potential impact upon the Stobhall designed landscape.
- 3.6 Whilst it is recognised that, despite the reduction in size of the proposed wind turbine within the revised application, Historic Scotland are intent on maintaining their objection. In terms of balancing competing factors, which is the purpose of the planning system, the Local Review Body will hopefully weigh up the fact that the turbine has to be viable and fit for purpose.



4. Purpose of Development

- 4.1 Planning application reference 14/00627/FLL for a single wind turbine at Innernyte Farm sought to utilise on-site renewable energy, thereby reducing the costs of imported electricity for the farming businesses operated by my client on two sites in Perthshire and also contributing, albeit in a minor way, to national climate change objectives.
- 4.2 Innernyte is a 410 acres arable farm and is managed in conjunction with a further 130 acres at Eastkirkton by G.G. Lennox & Co. Eastkirkton is primarily an intensive pig production unit with circa 6,000 pigs reared and sold per annum. The majority of cereals produced at Innernyte are dried on-site and then transported to Eastkirkton for feeding the pigs. It is clear that the two farms are intrinsically linked and reliant upon each other.
- 4.3 Annual diesel consumption by the business is around 42,000L, producing 110tCO₂ per annum. The majority of diesel consumption is associated with Innernyte and is split between consumption by tractors and the grain drier.
- 4.4 The annual electricity consumption of the business is currently around 1,000,000kWh, which equates to production of 130tCO₂ per annum. This gives a total annual carbon footprint of 240tCO₂, which would be fully offset by the wind turbine.
- 4.5 The business employs 6 full time + 1 part time worker including business partners. The wind turbine would assist with the continued viability and diversification of this local established business.
- 4.6 As is evidenced in the figures set out above, the proposed wind turbine would be a great asset to my client in terms of cutting the significant expenditure on electricity over the lifetime of the wind turbine. The proposed location of the turbine cannot be altered, however the reduction in height shows that my client has sought to accommodate the concerns of Historic Scotland vis-a-vis the potential impact on listed building and designed landscape.
- 4.7 It was disappointing to see the comments of the planning officer who assessed the proposed wind turbine last year as they stated, "little justification or evidence has been put forward to demonstrate economic need for the turbine". Hopefully, the implications in terms of CO₂ set out herein will be given more consideration during the determination of this application.

- 4.8 Whilst it is acknowledged that the planning officer has given their opinion on the acceptability of the proposed single turbine in terms of Council planning policy and the concerns of Historic Scotland, we do not consider that enough and sufficient weight has been given to the environmental, climate change and securing local jobs and businesses factors associated with the proposal.
- 4.9 We therefore call upon the Local Review Body to fully weigh up the perceived visual and landscape implications of the turbine and associated perceived impact upon historic building and designed garden, against this considerable benefits of the proposal.
- 4.10 It is our opinion that neither the Council nor Historic Scotland has produced any factual evidence of impact or otherwise of the proposal on the landscape, visual amenity or historic building. In our opinion the views of the planning officer and Historic Scotland are subjective.

5. Supporting Planning Policy

Scottish Planning Policy

- 5.1 The document Scottish Planning Policy (dated February 2010) makes it clear that the Scottish Government is committed to increasing the amount of electricity generated from renewable sources as a vital part of the response to climate change.
- 5.2 Paragraph 183 of SPP describes the potential for small businesses in rural areas to invest in renewable energy projects and states; “Planning Authorities should support communities and small businesses in developing such initiatives.”
- 5.3 In respect of the Designed Garden, Planning Authorities have a role in protecting, preserving and enhancing gardens and designed landscapes. The effect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications.
- 5.4 Whilst we accept this premise, the question is how Historic Scotland and/or Perth & Kinross Council evidence measures any potential impact upon such a designed landscape or garden, and the extent to which any such impact weights upon a final recommendation or decision.
- 5.5 In addition, other important policy which should be a ‘material consideration’ in the determination of this appeal to the Local Review Body is the Climate Change Act 2009 and Energy Efficiency Action Plan for Scotland 2010. Small scale renewable energy generation proposals such as this have significant benefits and can make viable contributions to meeting the Government’s targets for increasing renewable electricity generation nationally by 2020.

Perth & Kinross Local Development Plan

- 5.6 The recently adopted Perth & Kinross Local Development Plan has a specific policy relating to new proposals for renewable energy generation:-

“Policy ER1A: New Proposals

Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported subject to the following factors being taken into account:



(a) The individual or cumulative effects on biodiversity, landscape character, visual integrity, the historic environment, cultural heritage, tranquil qualities, wildness qualities, water resources, aviation, telecommunications and the residential amenity of the surrounding area.

(b) The contribution of the proposed development towards meeting carbon reduction targets.”

5.7 The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

5.8 The material issues around this planning application involve somewhat subject opinion, albeit from Historic Scotland, on the impact or not of the smaller wind turbine on a designed landscape and listed building located approximately 2km away.

5.9 For the production of this Planning Appeal Statement, the author has reviewed the following documents:

- Scottish Historic Environment Policy (December 2011)
- Historic Scotland Managing Change in the Historic Environment – Setting October 2010
- Historic Scotland Managing Change in the Historic Environment – Micro-Renewables October 2010

5.10 It is acknowledged that free-standing equipment, such as a single wind turbine, may impact on the setting of a historic building if it is located in principal views to and from the building or interrupts designed spatial relationships with other buildings or natural features.

5.11 Within the Historic Scotland ‘Setting’ publication at point 4 it is stated;

“If proposed development is likely to impact on a setting, an objectively written assessment should be prepared by the applicant to inform the decision-making process”.

- 5.12 At review the advice given by Historic Scotland within their letter to Perth & Kinross Council dated 26th June 2013 shows that the advice appears to focus on one viewpoint (viewpoint C) of the Environmental Assessment and how this, 'would introduce a prominent, distracting element which would dominate and distort the scale of this carefully planned landscape view.'
- 5.13 This statement does not appear to be backed up by any additional assessment, an assessment like the one undertaken by my client, as detailed in 1.8 of this report. Without such evidence there is a danger that this statement is based on a subjective proposition rather than evidence process based.
- 5.14 My client, following the detailed guidelines, produced a CLVIA Report which showed that the proposal would result in a low level of effect, yet this appears to have been given little weight in the Council decision or in the advice received from Historic Scotland.
- 5.15 This is disappointing and also it appears that a Historic building and landscape some 2km away is given more importance in the consideration of a planning application than the Climate Change agenda of the Scottish Government.
- 5.16 When considering this appeal for refusal of planning application reference 14/00627/FLL, I would ask that the Local Review Body of Perth & Kinross Council bear in mind the following paragraphs from the document, 'Scottish Historic Environment Policy (SHEP) December 2011.

Paragraph 1.8 states; "**The protection of the historic environment is not about preventing change.** Ministers believe that change in this dynamic environment should be **managed intelligently and with understanding**, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities."

Paragraph 1.17 point g. states; "there are close links between the historic environment and wider land-use and nature conservation policies that sustain a healthy landscape, diverse ecosystems and vigorous rural communities."

- 5.17 It is the feeling of my client that insufficient weight was given to the economic benefits of the wind turbine on this established local rural business and, therefore, the Council is not supporting a Perthshire business, the Scottish Government's policy on Climate Change and legal targets and too much weight was given to comments from Historic Scotland.

6. Analysis of Key Planning Issues

Visual Impact

- 6.1 The site for the wind turbine has been arrived at after the undertaking of feasibility studies, discussions with Perth & Kinross Council and the preparation and production of a Cumulative Landscape and Visual Impact Assessment (CLVIA) Report (**provided under separate cover as one of the suite of supporting documents with appeal**).
- 6.2 The CLVIA Report was originally prepared and issued by Mr Gordon Lennox, as part of the screening process specifically requested by Perth & Kinross Council, due to their concerns regarding the potential visual impact of the proposed turbine at Innernyte Farm.
- 6.3 The Visual Impact Assessment for the previous planning application, and the revised planning application, was carried out in accordance with The Guidelines for Landscape and Visual Impact Assessment, Second Edition (Landscape Institute and IEMA, 2002) and Supplementary Planning Guidance for Wind Energy Proposals in Perth and Kinross, **resulting in a low level of impact**. Again, having reviewed the officer's report for the planning applications, scant regard appears to have been paid to the rigorous and detailed CLVIA and more emphasis placed on the visualisations.
- 6.4 With reference to the visualisations and given the expense my client has gone to in producing these, it appears that the entire focus of concern is on the viewpoint C, yet this is not the only or necessarily most prominent view enjoyed by the historic building or designed garden.

Amenity of neighbouring properties

- 6.5 A full noise assessment report for the proposed turbine is attached as an Appendix to the Environmental Statement. The results of this demonstrate that the noise levels which may be experienced at the nearest receptor would not result in a greater than marginal loss of amenity in accordance with Perth & Kinross Council's own Supplementary Planning Guidance.
- 6.6 It is disappointing and indeed concerning to note from the officers report for the previous application in respect of internal Council consultations with The Environmental Health Manager there was only a verbal raising of potential concerns regarding the impact of noise on neighbouring residential properties.

- 6.7 I would have expected there to be evidence in the form of a written response to this internal consultation backing up this assertion. This does not appear to be the case.
- 6.8 It is acknowledged that there were many representations to the previous application raising concerns about visual impact and impact on the landscape of the area. It is worth noting that whilst many of these concerns were from residents in Stanley and Murthly, the proposed wind turbine cannot be seen from these places.

7. Conclusion

- 7.1 Scottish Planning Policy states that Local Planning Authorities should support small businesses in rural areas to invest in renewable energy projects. The Scottish Government has a target for 100% of Scotland's electricity to be generated from renewable sources by 2020.
- 7.2 The benefits of the Innernyte Farm wind turbine proposal are as originally set out within my original planning statement and can be summarised as follows:
- Contribution to meeting the national renewable energy target which the Scottish Government set at 100% of electricity demand from renewable sources by 2020.
 - Contribution to climate change objectives established through The Climate Change (Scotland) Act 2009 including the reduction of greenhouse gas emissions to meet targets of reducing emissions by 42% by 2020 – as per Environmental Statement document paragraph 4.2 this proposal will allow my client to offset their current energy demands and offset 240tCO₂ (page 9 of 33)
 - Contribution to economic stability of this Perthshire business
- 7.3 Having reviewed the officer's report for the planning applications reference 14/00627/FLL and 13/0860/FLL, I, as a Planning professional, do not consider that sufficient reference, weight and balanced consideration was given to the robust and detailed statements supplied by my client and we request, therefore, that greater weight is afforded to climate change, economic and support of local businesses when the Local Review Body considers this appeal.
- 7.4 The location for the wind turbine at Innernyte has been chosen carefully in order to allow the most efficient generation. The CLVIA concluded that, while there may be some significant effects from the nearest visual receptors due to the introduction of a single turbine, over the proposal would have a **low level of impact**. The Environmental Statement which is submitted under separate cover, demonstrates that the impact of the wind turbine will have an acceptably low impact on the local environment in accordance with Perth and Kinross Council.

- 7.5 Whilst the continued concerns from Historic Scotland are noted, the Council is asked to give appropriate weight in the decision to the overall objectives of the Scottish Government in respect of climate change and the reductions the proposal would have to CO₂ emissions and supporting local rural businesses and jobs.
- 7.6 It is not considered that there is any demonstrable harm caused by this proposed turbine on residential amenity, landscape or the historic assets within the vicinity.
- 7.7 In light of this Planning Appeal statement and given that my client has done all that is possible to mitigate the impacts of the proposed turbine whilst still needing it to be a certain height to make it viable, it is considered that this development fully accords with both local and national planning policy and guidance and is appropriate for the location and purpose for which it is proposed. As such we would ask that the Council support this planning application for a single turbine.

8. References

- ❖ Perth & Kinross Council Local Development Plan
- ❖ Scottish Planning Policy
- ❖ Scottish Historic Environmental Policy
- ❖ Managing Change in the Historic Environment – Setting (Historic Scotland)
- ❖ Managing Change in the Historic Environment – Micro-Renewables (Historic Scotland)
- ❖ Thermal Power Engineering Ltd – Landscape and Visual Impact & Cumulative Impact Assessment Report
- ❖ Thermal Power Engineering Ltd – Environmental Statement

REPORT OF HANDLING

DELEGATED REPORT

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

PROPOSAL: Erection of wind turbine and associated infrastructure

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

SUMMARY:

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

DATE OF SITE VISIT: 15 July 2014

BACKGROUND AND DESCRIPTION OF PROPOSAL

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

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

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

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

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

PROCEDURAL MATTERS

Screening Opinion

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

Additional Information

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

SITE HISTORY

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

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

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

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

PRE-APPLICATION CONSULTATION

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

NATIONAL POLICY AND GUIDANCE

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

Of specific relevance to this proposal are,

Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect the Scottish Ministers' priorities for operation of the planning system and for the development and use of land.

The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

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

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

Planning Advice Notes

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

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage

Onshore wind turbines – Online Renewables Advice December 2013

Provides specific topic guidance to Planning Authorities from Scottish Government.

The topic guidance includes encouragement to planning authorities to:

- develop spatial strategies for wind farms;
- ensure that Development Plan Policy provide clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects.
- involve key consultees including SNH in the application determination process;
- direct the decision maker to published best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.

Scottish Historic Environmental Policy 2011

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Policy 3 - Managing TAYplan’s Assets

Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets. This policy also seeks to protect the cultural assets of the area, including our listed building (including their settings) and HGDL.

Policy 6 - Energy and Waste/Resource Management Infrastructure

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

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

Policy PM1A – Placemaking

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

All development should be planned and designed with reference to climate change mitigation and adaption.

Policy HE1 - Archaeology

Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ.

Policy HE2 – Listed Buildings

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

Policy HE4: Gardens and Designed Landscapes

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

Policy NE3 – Biodiversity

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

Policy ER1A - Renewable and Low Carbon Energy Generation

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

Policy ED3 – Rural Business and Diversification

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

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

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

Policy EP5 - Nuisance from Artificial Light and Light Pollution

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

Policy EP8 - Noise Pollution

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

OTHER COUNCIL POLICIES

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

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

OTHER RELEVANT GUIDANCE

Tayside Landscape Character Assessment 1999

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

RELEVANT LEGISLATION

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

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

CONSULTATION RESPONSES

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

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

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

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

INTERNAL COUNCIL CONSULTATIONS

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

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

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

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

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

REPRESENTATIONS

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

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

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

ADDITIONAL STATEMENTS RECEIVED

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

APPRAISAL

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

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

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

Policy Appraisal

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

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

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

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

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

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

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

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

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

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

Landscape / Visual Impact

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

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

Landscape Impact

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

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

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

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

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

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

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

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

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

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

Visual Amenity

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

This information was also useful in assessing the landscaping impact.

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

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

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

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

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

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

Impact on Cultural Assets

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

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

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

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

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

Compatibility with Existing land uses

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

Protected Species / Habitats

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

Other Material Issues

Shadow Flicker

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

Aviation Lighting

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

Noise

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

TV reception

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

Road / Access Issues

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

Health & Safety

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

National Guidance

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

Developer Contributions

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

Economic Impact

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

Conclusion

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

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application for the following reasons,

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

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

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

Date of Report 24.10.2014

