

Perth and Kinross Council
Planning & Development Management Committee – 10 April 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/104)

PROPOSAL: Erection of four wind turbines and ancillary infrastructure

LOCATION: Binn Eco Park Wind Farm, Glenfarg

Ref. No: [18/00865/FLL](#)

Ward No: P9 - Almond And Earn

Summary

This report assesses changes to the wind turbine dimensions associated with the approved Binn Wind Farm. A previous application, for four turbines, was referred to the Development Management Committee with a recommendation of refusal in August 2015 (14/01970/FLL). The application was approved by the Development Management Committee and subsequently the pre commencement conditions have been discharged and a material operation commenced on site. As such, the previous permission remains live.

This report recommends refusal of the application for the erection of four turbines and associated infrastructure, at Binn Eco Park. The proposed 9m increase in height of the turbines would have unacceptable adverse landscape impacts, including cumulative landscape impacts on the immediate landscape character as well as the wider landscape setting, against a generation capacity gain of 0.2MW.

Although the policy position in the Perth and Kinross Council Local Development Plan 2014 is generally supportive of renewable energy schemes, the magnitude of the adverse effects associated with the increased height of the turbines are significant and environmentally unacceptable. Accordingly, the proposal is not considered to comply with the Development Plan and there are no material considerations of sufficient weight which would justify departing from the Development Plan. The application is recommended for refusal.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning consent is sought for the erection of four wind turbines and associated infrastructure at Binn Eco Park which is located 350m to the south of Binn Hill which is 277m AOD (above Ordnance Datum), approximately 2.7 km to the southwest of Abernethy and 12km to the southeast of Perth. The Binn Eco Park site lies immediately to the northwest. The site is proposed to be served partly by the existing vehicular access which serves the adjacent Eco Park. A new access track is proposed to extend eastwards from the existing access track to serve each of the proposed four turbines.
- 2 As well as the four turbines and upgraded access, a substation, borrow pits, a temporary construction compound, including parking and welfare facilities and

other ancillary works are proposed as part of the works. The proposed turbines will be 78m to hub height with a rotor diameter of 92m making a tip height of up to 124m. This is an increase in the tip height of each turbine by 9m from the extant permission. Each wind turbine has a generating capacity of 2.35 megawatts (MW), which would provide a total site capacity of 9.4MW. The turbines are proposed to be coloured in a pale grey semi-matt finish.

- 3 The current use of the site is mainly farmland within a wider context of the industrial buildings and infrastructure associated with Binn Eco Park which is designated as a waste management facility in the Perth and Kinross Local Development Plan 2014.
- 4 Planning permission was granted on this site in August 2015 by the Development Management Committee (14/01970/FLL) for the erection of four turbines of a blade tip height of 115m and hub height of 69m. This 2015 permission also included the change of use of Catochil House and Catochil Cottage from residential use to offices given their proximity to the turbines.
- 5 This revised application seeks to erect the turbines in the same location but with a slight variation to the position and layout of part of the access tracks serving the site.
- 6 Legislation requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Local Development Plan (LDP) which was used to assess the previous application remains the adopted LDP at this time, although the TAYplan Strategic Development Plan has been updated to the 2016-2036 plan from the previous 2012 plan.
- 7 It should be noted that it is not appropriate to re-visit the concept of a wind farm in this location through this application. The assessment can only consider whether the change in turbine dimensions is acceptable.
- 8 Whilst it was concluded by officers that the landscape and visual impact of the turbines of the previous scheme was unacceptable, it remains the case that the view of the Council, given the decision by the Development Management Committee, is that the previously consented and extant scheme was acceptable and accorded with the Development Plan. As such the decision on the previous application is a significant material consideration in the assessment of this application and must be given appropriate weight in the decision making process on this revised application to increase the turbine heights.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 9 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 10 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 11 As outlined above, an Environmental Statement was submitted with the previous application for this site and an update Environmental Statement relating to issues which would be affected by the proposed increase in turbine height accompanies this application.
- 12 The earlier approved Environmental Statement covered the full range of potential environmental effects associated with the Binn Wind Farm. In support of this application the applicant has submitted supplementary environmental information to bolster the original ES for the increase in turbine heights. It assesses only those topic areas where the effects may be altered by the modification to the turbine dimensions, namely:-
- Landscape and Visual
 - Ecology and Ornithology
 - Noise
 - Cultural Heritage and Archaeology
 - Infrastructure
 - Shadow Flicker
 - Surface and Groundwater Hydrology
- 13 Further Supplementary Environmental Information (SEI) was also submitted to bolster the initial submission. This provided further information on noise and residential amenity, shadow flicker, ecology and landscape and visual impact.

NATIONAL POLICY AND GUIDANCE

- 14 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, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 15 The third National Planning Framework for Scotland (NPF) was published in June 2014, setting out a strategy for Scotland's spatial development for the next 20 – 30 years. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 16 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- the preparation of development plans;
 - the design of development, from initial concept through to delivery; and
 - the determination of planning applications and appeals.
- 17 The following sections of SPP (2014) are of particular importance in the assessment of this application:-
- Valuing the Historic Environment, paragraphs 135 – 151
 - Delivering Heat and Electricity, paragraphs 152 – 174
 - Valuing the Natural Environment, paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure, paragraphs 219 – 233
 - Managing Flood Risk and Drainage, paragraphs 254 – 268
- 18 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-
- PAN 3/2010 Community Engagement
 - PAN 1/2011 Planning and Noise
 - PAN 1/2013 Environmental Impact Assessment
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage

Onshore wind turbines – Online Renewables Advice May 2014

- 19 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 20 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.

DEVELOPMENT PLAN

- 21 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 22 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:
- 23 *“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.”*
- 24 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 7: Energy, Waste and Resources

- 25 Seeks to deliver a low/zero carbon future. Development proposals should ensure all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against a series of considerations including: the specific land take requirements, the proximity of resources, the sensitivity of the surrounding environment, health and safety considerations, cumulative impacts, strategic cross-boundary impacts, and consistency with the National Planning Framework.

Perth and Kinross Local Development Plan 2014

- 26 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 27 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 28 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 PM1B - Placemaking

- 29 All proposals should meet all eight of the placemaking criteria.

Policy EP8 - Noise Pollution

- 30 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.

Policy TA1B - Transport Standards and Accessibility Requirements

- 31 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF2 - Public Access

- 32 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1A - Scheduled Monuments

- 33 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Non Designated Archaeology

- 34 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 35 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 36 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy ER1A - Renewable and Low Carbon Energy Generation

- 37 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 NE1A - International Nature Conservation Sites

- 38 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 39 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE3 - Biodiversity

- 40 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

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

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

- 42 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 EP3C - Water, Environment and Drainage

- 43 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy ED3 - Rural Business and Diversification

- 44 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally

be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy EP13 - Airfield Safeguarding

- 45 Developments will be refused if they are likely to have an unacceptable impact on the safe operation of aircraft from listed airfields.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 46 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 47 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 48 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Tayside Landscape Character Assessment (TLCA) 1999

- 49 The Tayside Landscape Character Assessment (TLCA), 1999, is published by Scottish Natural Heritage and remains a valid baseline resource. Whilst some of its guidance on wind energy is dated, owing to the much smaller size of

turbines considered in the TLCA, other aspects of the study remain a useful resource.

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

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

Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape Version 3A (2017)

- 51 Guides windfarms towards those landscapes best able to accommodate them and advises on how windfarms can be designed to best relate to their setting and minimise landscape and visual impacts.

Scottish Natural Heritage – Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012

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

Scottish Natural Heritage – Visual Representation of Windfarms December 2014.

- 53 This document sets out guidance in producing visual representations of windfarms. It builds on experience gained since the first publication of the document in 2006 on how to represent proposed windfarm developments in a more accessible and realistic way.

Perth & Kinross Supplementary Planning Guidance – Landscape 2015

- 54 This supplementary guidance has been prepared to support LDP Policy ER6 *"Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes"*. Publication on the documentation ran for a period of 8 weeks from 28 November until 19 January 2015. Comments received through the consultation process were analysed and the Council's response and amended draft guidance document was reported on 25 March 2015 at the Enterprise and Infrastructure Committee. The Supplementary Guidance was submitted to the Scottish Ministers and approved on the 17th of June 2015.

SITE HISTORY

- 55 [09/00008/PAN](#) Formation of an eco park. Application Withdrawn 21 December 2009

- 56 12/01004/SCRN Proposed wind turbine Decision Issued 21 June 2012
- 57 [12/01915/SCOP](#) Scoping opinion for wind farm Decision Issued 4 December 2012
- 58 [13/01931/FLL](#) Erection of a meteorological mast Decision Issued 16 January 2014 Application Approved
- 59 [14/01970/FLL](#) Erection of four wind turbines, ancillary infrastructure and change of use of two dwellinghouses to offices Application Approved by Development Management Committee 13 August 2015
- 60 [15/01737/FLL](#) Erection of substation, installation of underground cable and associated works Decision Issued 7 December 2015 Application Approved

CONSULTATIONS

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

External

Historic Environment Scotland (HES)

- 62 Overall HES agree that the increase in turbine heights would not substantially alter the proposals magnitude of impact on nearby nationally important heritage assets. HES consider the impact would remain moderate and therefore do not object.
- 63 HES expressed concern regarding potential impact on Balmanno Castle, however following receipt of additional information HES concluded that the impact on their interests were not of national significance and therefore they advised that they had no objection.

National Air Traffic Services

- 64 No safeguarding objection to the application

Scottish Natural Heritage (SNH)

Landscape and Visual

- 65 The proposal would result in significant adverse visual and landscape and cumulative impacts as identified in SNH's comments on the previous application but these are not of national concern and are content for Perth and Kinross to determine the application without further reference to SNH. These concerns would be exacerbated by raising the height of the turbines by 9 metres. They initially indicated that there was insufficient information to allow an assessment of the increased impacts. They considered the EIA to be inadequate in that it excludes key viewpoints. They do not agree with using the previous scheme as a baseline and consider the impacts have to be considered in their entirety.

- 66 Following the submission of Supplementary Environmental Information (SEI), SNH remain concerned regarding the overall landscape and visual impact and consider the height difference to be apparent in viewpoints (VP) 16 and 20 and also at VP3 and VP15. These issues are addressed within the appraisal section below.

Ecology

- 67 Following submission of additional information relating to Great Crested Newts (GCN) and the proposals for mitigation of these species in the form of a Species Protection Plan SNH have no objection. They are also satisfied with the information submitted in relation to other species subject to a condition relating to pre-construction survey requirement.

Scottish Water

- 68 No objection.

Royal Society for the Protection of Birds (RSPB)

- 69 No objection.

Glenfarg Community Council

- 70 No response received.

Fife Council

- 71 No objection.

Abernethy Community Council

- 72 The Community Council consider the proposal to be contrary to the Perth and Kinross Local Development Plan 2014 due to adverse effects on biodiversity, landscape character, visual integrity, tranquil qualities and the residential amenity of the area. They also consider there to be no measureable or viable effects in terms of carbon reduction, adverse effects relating to site access and a negative impact on tourism. They consider the noise assessment to be flawed and that the impact on residential properties will be significant.

Ministry Of Defence

- 73 No objection subject to condition which ensures they are advised on the date of construction starting and ending, the maximum height of construction equipment and the latitude and longitude of every turbine.

Clackmannanshire Council

- 74 No response received.

Dundee Airport Ltd

- 75 Aviation lighting is recommended for each turbine.

Transport Scotland

- 76 No response received.

Earn Community Council

- 77 Concern expressed regarding accuracy of submission in terms of Zone of Theoretical Visibility (ZTV) plan.

Scottish Environment Protection Agency

- 78 No objections subject to conditions relating to groundwater dependent terrestrial ecosystems, groundwater hydrology, borrow pits, peat and pollution prevention.

Internal

Environmental Health (Noise and Odour)

Noise

- 79 Environmental Health initially expressed concern regarding the accuracy and detail of the submitted Noise Impact Assessment, including concern relating to those properties which were indicated to have a financial interest in the development and how the financial interest impacts on acceptable noise levels at those properties.
- 80 Following the submission of an updated Noise Impact Assessment, and clarity being provided on which properties have or do not have a financial involvement in the development, Environmental Health do not object to this application, provided that a series of conditions are applied which control noise. These proposed conditions are an updated and more robust set of conditions than those applied to the consented scheme.

Shadow Flicker

- 81 There are no concerns relating to shadow flicker in comparison with the consented scheme and shadow flicker can be managed by an appropriately worded condition.

Community Greenspace

- 82 No response.

Structures and Flooding

- 83 No objection.

Perth and Kinross Heritage Trust

- 84 No objection subject to a condition relating to archaeological monitoring.

Biodiversity Officer

- 85 The Biodiversity Officer initially raised concern regarding the timing of ecological surveys. Updated surveys have now been submitted which are considered acceptable by the Bio Diversity Officer.
- 86 The same conditions as the previous consent in relation to re-surveying, vegetation clearance and the provision of an ecological clerk of works and construction controls should be applied.

Transport Planning

- 87 No objection.

REPRESENTATIONS

- 88 The following points were raised in the 49 representations received during the first period of advertisement for the application, all of which object to the application. There is also a petition with a total of 250 names which objects to the application. Of the 49 letters received, one is from Abernethy Community Council, objecting to the application, and one is from Earn Community Council, which seeks clarification on some elements of the submission but does not offer an objection. The following is a summary of the issues raised in the letters and petition:

- Impact on landscape and cumulative landscape impact
- Impact on visual amenity
- Contrary to Development Plan and National Guidance
- Loss of open space and agricultural land
- Impact on recreation uses
- Impact on residential amenity
- Noise generation
- Shadow flicker
- Impact on water supplies
- Lack of social and economic benefit
- Accuracy of neighbour notification
- Health and Safety (Ice Throw)
- Impact on cultural heritage
- Lack of public consultation
- Impact on bio diversity/ecology
- Road Safety
- Accuracy of submission
- Concern regarding micro siting allowance

89 The issues below were also identified but are not material considerations in the assessment of this application:

- Approval of previous consent was flawed
- Loss of value to property

90 Following the submission of Supplementary Environmental Information (SEI) a further advertisement period was undertaken where seven further letters of representation were received, all of which had commented during the first advertisement period. No additional issues than those outlined above were raised.

91 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

92

Environment Statement	Submitted
Screening Opinion	Undertaken and Environmental Impact Assessment Report submitted
Environmental Impact Assessment	Yes
Appropriate Assessment	Not undertaken following guidance from SNH
Design Statement / Design and Access Statement	Not submitted
Reports on Impact or Potential Impact	Incorporated into Environmental Impact Assessment Report

APPRAISAL

93 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance which are also outlined above.

Policy Appraisal

94 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.

- 95 In terms of TAYPlan, Policy 7 is directly applicable as are the aforementioned Policies of the approved Development Plan.
- 96 Policy 7 of TAYPlan states that LDPs 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.
- 97 Policy ER1 of the LDP supports development of renewable and low carbon sources of energy where they accord with associated policy criteria. The associated policy criteria elements are addressed within this report. Policy ED3 of the LDP offers support for the expansion of existing businesses in rural areas. Policy HE1A refers to Scheduled Monuments (SM) and states that there is a presumption against development which would have an adverse effect on the integrity of SM. Policy HE2 refers to listed buildings and states that the scale and siting of new development should be appropriate to the building's character, appearance and setting. Policy ER6 of the LDP seeks to protect the landscape qualities of Perth and Kinross.
- 98 In terms of other material considerations, this principally includes an assessment against national planning guidance in the form of the Scottish Planning Policy 2014 and consideration of supporting guidance including the Tayside Landscape Character Assessment. Other relevant material considerations include the Perth and Kinross Council Supplementary Landscape Guidance and the Draft Supplementary Guidance on Renewable and Low Carbon Energy.
- 99 Accordingly, based on the above, it is considered that the key determining issues for this proposal are:
- a) whether or not the proposed increase in turbine heights will have an unacceptable impact on the visual amenity and landscape character of the area;
 - b) whether the increased turbine heights will have an adverse impact on any neighbouring residential amenity;
 - c) whether or not the proposal is compatible with the surrounding land uses;
 - d) whether or not there will be an adverse impact on any protected species and/or habitats; and
 - e) whether or not the proposal will adversely affect any cultural heritage assets, bearing in mind the provisions of the Development Plan and other material considerations.

Site Selection

- 100 As outlined above, there is an extant planning permission on this site for a four wind turbine development. The main purpose of the application is to expand, support and secure the future development of the main industries at Binn Eco Park through the provision of sustainable renewable energy production. The proposal will significantly reduce carbon emissions at the park and make an

important contribution towards Scottish Government's renewables and climate change policy targets.

- 101 As there is an extant consent for a wind farm development on this site, development of which has commenced, and therefore it is not considered necessary to revisit the issue of site selection.

Landscape Impact

- 102 The application for the extant permission for the site included a viewpoint analysis relating to the visual impact of the proposals from 25 viewpoints (VP) and the Landscape and Visual Impact Assessment (LVIA) was based on a study area of 35 km from the proposed development. The Cumulative Landscape and Visual Impact Assessment (CLVIA) considered the relationship between wind farms and single turbines within a 70 km search area. This further application includes a similar level of assessment however the number of viewpoints selected was reduced to 17. Following consideration of the application and a consultation response from SNH an assessment for a further 8 viewpoints was submitted.

Landscape and Visual Effects

- 103 In order to ascertain the likely difference caused by the increased turbine height, a comparative Zone of Theoretical Visibility drawing (ZTV) has been prepared by the applicant along with a series of comparative photomontages and wireline images. This outlines the theoretical visibility of the turbine to tip and also up to hub height. The comparative ZTV shows that there would be additional visibility of the turbines within the 35km search area.
- 104 The turbines are located on the edge of the Igenous Hills Landscape character area at the transition with the Fife Upland foothills, Lowland Hills and Valleys and the Firth Lowlands. Compared to the existing Ochil wind farms, which are set back further into the large scale Ochil landscape, the turbines at Binn would be predominantly seen in context with these surrounding smaller scale landscape areas such as the Fife Upland Foothills and Lowland Valleys, Lowland River Basin, Loch Leven Basin Low Hills and Loch Leven Basin and also from within the flat landscape of the Tay estuary. The rotors and blades would be an obvious feature on the horizon in many views from the lower ground in the wider landscape including Strathearn, the Carse of Gowrie and in the Fife Upland foothills, Lowland Hills and Valleys and Loch Leven basin as shown in VP20 from Vane Farm, south of Loch Leven. Turbines would also appear to be a prominent feature in views from higher ground such as from the Lomond Hills (VP18) and Pitlour Hill (VP5). Following consideration of the updated viewpoints of this revised application it is evident that the increased in height of the turbines serves to exacerbate the prominence of the turbines from these viewpoints.
- 105 Scottish Natural Heritage (SNH) have raised concerns which are similar to those identified by them in consideration of the consented application in that the turbines will have a significant impact on the landscape and the increase in turbine heights will exacerbate this. Their key concerns relate to the proposal

having an adverse landscape and visual impact on the landscape character of the area and on the landmark features of the Lomond Hills Special Landscape Area due to the size, layout and scale of the turbines.

- 106 In some locations the increase in height of the turbines results in hubs and rotors becoming visible over the skyline in comparison with the consented scheme and this increase is considered to be significant. This includes in viewpoint (VP03) at Abernethy where the blades are visible whereas the consented scheme indicates that the blades would not be visible. Furthermore at Kinnoull Hill (VP15), representative of an important recreational resource within Perth and Kinross, shows that the hubs of the turbines would rise above the skyline backdrop of the Lomond Hills whereas the consented scheme shows the only the blade tips breaking the skyline. The Tayside Landscape Character Assessment and SNH's Guidance on Siting and Designing Wind Farms in the Landscape both identify skylines to be of critical importance in the assessment of wind turbine impact. These documents state that the design of a wind farm from key viewpoints and routes should ensure it does detract from the character of that distinctive skyline. The SNH guidance goes on to state that the wind farm should not overwhelm the skyline and that prominent skylines should not be interrupted by turbines. The viewpoints for the consented scheme indicate that only the blade tips of the turbines would break the skyline when viewed from Kinnoull Hill, helping to limit the impact. Furthermore, none of the consented turbines can be seen from Abernethy (VP03). As indicated above, the increased turbine heights now shows that the hubs would rise above the skyline backdrop of the Lomond Hills when viewed from Kinnoull Hill and the blades would be visible on the skyline from VP03. It is considered important to ensure that wind turbines are back-clothed by existing landscape as much as possible.
- 107 The increased turbine height proposed therefore exacerbates the visibility of the turbines from these viewpoints, breaching the skyline to a more significant degree than the approved scheme, to the detriment of the visual amenity and landscape character of the area.
- 108 The LVIA submission also concludes that from views of 10km and beyond, that the exacerbation would not be noticeable (para 5.7, page 20). SNH disagree with this conclusion and in my assessment of the viewpoints I also disagree with the LVIA conclusions. I consider the height difference to be apparent in certain viewpoints to the detriment of the landscape character and visual amenity of the area. The height difference between the consented scheme and this proposal is evident in VP16 (Glendoick) and VP20 (Vane Farm) where the turbines would be seen on the skyline. Both of these VP's are located beyond 10km from the development site.
- 109 On the basis of the above the increased height of the turbines is considered to exacerbate the visual and landscape impact of the consented scheme to an unacceptable level and on that basis the proposed increase in turbine heights is considered to be contrary to Policy ER1A and ER6 of the LDP and the recommendations and guidance contained within the Tayside Landscape Character Assessment (1999) and Scottish Natural Heritage Siting and Designing Wind Farms in the Landscape Guidance August 2017.

Cumulative Impact

- 110 The proposed development would be located within the TAY 8b Igneous Hills: the Ochils Landscape character unit of the TCLA. There are other wind turbine developments within this unit including East Blair Farm, Easter Fordel Farm, Greenknowes, Lochelbank, Temple Hill and Turflundie, whilst Scottish Offroad Driving Centre would lie on the boundary with Strathmiglo and Lumbennie Hill, Raemore Farm and Pitmedden Farm are or would be located within the Upland Hills: The Ochils unit.
- 111 In considering the impact on the landscape character, the Tayside Landscape Character Assessment 1999 (TLCA) is a key material consideration as is the Council's Supplementary Guidance on Landscape referred to within Policy ER6 of the LDP. Within the TLCA the application site lies within the Lowland Loch Basin classification. Within the Council's Guidance the area is referred to as the Loch Leven Basin.
- 112 The turbines will be seen in combination with Lochelbank from a wide range of viewpoints including from Kinnoull Hill, the Lomond Hills and Loch Leven. The Lochelbank turbines are 60m to hub and 91m to blade tip in height. The proposed turbines are larger than and have different proportions to those at Lochelbank. Whilst Lochelbank is set back from the smaller scale landscape character areas of Fife Upland and Lowland Hills and Valleys, the Binn Wind Farm would be more associated with this smaller landscape which would create an inverse relationship of larger turbines seen in a smaller scale landscape next to smaller turbines.
- 113 The proposal would be visible alongside Lochelbank from Strathearn, with large rotors being partly visible alongside smaller completely visible rotors of Lochelbank. From Vane Farm/Loch Leven (VP20) the three schemes of Binn, Lochelbank and Greenknowes would be seen in combination. The Binn turbines break the existing pattern and scale, with fewer turbines of much larger rotors and height. Similar impacts are seen from the Lomonds (VP18). However, the increased height of the turbines is not considered to exacerbate the cumulative landscape impact to significant level in comparison with the consented scheme

Siting and Layout of Turbines

- 114 SNH remain concerned with the overall design and composition of the proposed turbines and state that a frequently recurring composition in a number of views is characterised by irregular spacing of the turbines with significant level changes between turbines with some overlapping. They state that VP5 from Pitlour Hill would be improved if there had only been three turbines instead of four to prevent the overlap. Also in VP15 Kinnoull Hill and VP18 Lomond Hills the turbines descend without any visible relationship to the landforms, particularly from Kinnoull Hill where the turbines descend behind the skyline and create a confusing image. Whilst the opinion of SNH is noted in this regard the increased height of the turbines does not alter the siting and layout of the turbines nor exacerbate the issues identified by SNH above. I therefore

consider the siting and layout of the turbines to be acceptable in comparison with the consented scheme.

Residential Impact Assessment

- 115 The original EIA contained an assessment of 70 residential properties within 2km of the nearest turbine and concluded that approximately 36 properties have no theoretical visibility and no visual effects. It goes on to state that 34 dwellings would have theoretical visibility and 9 of these would have no views from the curtilage of the dwelling due to screening by various features. It concludes that 17 of the 70 dwellings within 70km would experience a medium or medium to large magnitude of effect giving rise to major (significant) visual effects. This level of impact was consented by the existing permission.
- 116 Given the close proximity of residential receptors and the potential for the increase in height to be clear in views from within 2km an assessment of this requires to be undertaken to establish the extent of additional impact on residential receptors. This was therefore requested as part of the SEI.
- 117 The additional visibility ZTV of the LVIA illustrates areas where new hub visibility would change from having no hubs visible to having hubs visible. The submission concludes that one dwelling would change from having no hubs visible to hubs being visible. Five dwellings would move from having one or two hubs visible to two or three being visible and a further three dwellings would be subject to a single additional blade tip being theoretically visible.
- 118 Clarification was sought from the applicant's agent regarding the blade tip visibility from properties. It was confirmed that the increase in height caused no new blade tip visibility amongst the residential views for those properties which experience blade tip views from the consented scheme. For example, those properties which have visibility of the turbines of the consented scheme experienced a very similar impact when the proposed taller turbines were assessed. No new properties experienced visibility of the turbine tips.
- 119 However, the agent has advised that the increase in tower height did cause turbine hubs to become visible from one of the properties in the study area that previously only experienced blade tip visibility. In addition, a further five properties which had some level of hub visibility before, now have additional hubs visible.
- 120 The agent advised that it was decided that the assessment should relate to the impact on the properties where the hubs were now visible, as this represented the most significant change of impact. I consider this to be an appropriate method of assessment.
- 121 Given that no additional properties experience visibility of the turbines than those of the consented scheme the additional impact on residential receptors from the turbines, in comparison with the approved scheme, is considered to be acceptable. Therefore the proposed landscape and visual impact on residential receptors is considered to comply with the LDP.

Micro Siting

- 122 Concerns are expressed in letters of representation regarding the potential micro siting allowance of the turbines of up to 25 metres. The extant consent includes a condition which restricts the micro siting of the turbines to ensure that it does not increase the height of the turbines from the approved AOD of greater than 5m. As such the Council would retain control over the level of micro siting.

Conclusion on Landscape and Visual Impact

- 123 As outlined above, my view is that the issues identified by SNH in relation to cumulative impact and the siting and layout of the turbines are insufficient to merit refusal of the application. Furthermore the impact on residential receptors is considered to be acceptable. However, I consider the increased height of the turbines to exacerbate the landscape and visual impact of the development from key viewpoints to an unacceptable level. The increase in the turbine heights is therefore considered to be contrary to the criteria contained within the policies ER1A and ER6 of the LDP and contrary to the recommendations and guidance contained within the Tayside Landscape Character Assessment (1999) and Scottish Natural Heritage Siting and Designing Wind Farms in the Landscape Guidance August 2017.

Compatibility with Existing Land Uses

- 124 In regards to compatibility with existing land uses, Policy PM1 of the LDP seeks to ensure that all new developments are compatible with existing land uses. There are no direct concerns regarding the impact that the turbine will have on the commercial activities of the land on or surrounding the site. There will be no loss of prime agricultural land and the proposed turbines will not have any adverse impact on farming practices at Binn Farm. It is considered that the proposal is compatible and complementary to the functional operation of Binn Eco Park.
- 125 In terms of the impact on any existing residential properties Environmental Health have raised no objections regarding noise related issues and shadow flicker subject to suitable conditions on any consent (which are referred to the paragraphs below),. The proposed increased turbine height will not have any adverse impact on any recreational routes or paths within the vicinity of the application site in comparison with the extant permission. There is generally no conclusive evidence to suggest that wind farm development has an adversely negative impact on countryside recreational use.

Protected Species/Habitats

- 126 Policy NE3 seeks to protect and enhance existing wildlife and their habitats. The site is not protected by any specific designation. Nevertheless this does not necessarily indicate that the proposed development would not impact on protected wildlife and it is important to consider the impact the development could have on local wildlife interests. Updated survey information accompanies this application.

- 127 The application site consists of farmland under rotation which provides both improved and disturbed habitats. There are a number of small water bodies on site with narrow drains feeding off site watercourses.
- 128 The submitted Ecology Report was undertaken in January. This was not an appropriate time of year to undertake an ecological survey and therefore a request was made to ensure a further survey was undertaken at a more appropriate time of the year.
- 129 Following the above request, updated survey work was undertaken in July 2018 and clarity provided in relation to mitigation measures for Great Crested Newts (GCN) in the form of a Species Protection Plan. SNH have accepted this approach and the updated surveys are considered to be sufficient to protect the above species. All of the above could be covered by conditions; including the requirement for construction method statements and an ecological clerk of works which can be worded similarly to the extant permission should consent be granted. The proposal is therefore considered to accord with policy NE3 of the LDP.

Ornithology

- 130 The proposed development is located in an area designated as being of low sensitivity by the RSPB and they had no objections to the extant consent in terms of impact on birdlife. They have been consulted on this application for the increased turbine height and provided no further comments.
- 131 SNH have concluded that the proposal is likely to have a significant effect on Loch Leven, South Tayside Goose Roosts and the Firth of Tay and Eden Estuary Special Protection Area (SPA) but will not adversely affect the integrity of these sites and conclude that an appropriate assessment would not be required.

Cultural Heritage

- 132 The LDP seeks to ensure that matters of cultural heritage are protected from inappropriate development.
- 133 The supporting statement has identified Listed Buildings, Scheduled Monuments (SM) and Historic Gardens and Designed Landscapes. These are:
- Catochil Farmhouse (Category B listed building)
 - Catochil Steading (Category C listed building)
 - Balvaird Castle (SM and Category A listed building)
 - Castle Law Hillfort SM
 - Balmanno Castle Historic Garden and Designed Landscape
- 134 The cultural heritage assessment contained within the original ES looked at the possible impacts of the proposal on cultural heritage assets within close proximity to the application site and possible impacts on the settings of heritage assets within the wider landscape.

- 135 In relatively close proximity to the site is Balvaird Castle which is a Scheduled Monument and category 'A' listed building. In the wider landscape surrounding the site, there is a mixture of cultural assets including castles, Iron Age forts, Roman camps and medieval burghs.
- 136 Mitigation measures for screening the development from Balvaird Castle through planting remain as part of this proposal and the increased height of the turbines is not considered to have any additional increased impact on Balvaird Castle as outlined in the submitted cultural viewpoints. HES have no objection in terms of the impact on Balvaird Castle subject to appropriate mitigation which can be secured by condition should any consent be granted.
- 137 Similarly in relation to Castle Law Fort above Abernethy, the turbines clearly represent the addition of substantial modern structures into a landscape that is otherwise comparatively open, however they do not impact the key outward views from the fort looking to the lower ground and neither will reciprocal views looking up from lower ground. The increase in height does not alter this conclusion.
- 138 Historic Environment Scotland (HES) have provided comments on the potential impact which the increased turbine height would have on the category A listed Balmanno Castle and its Historic Garden and Designed Landscape (HGDL) near Dron to the south of Bridge of Earn. They sought clarification on the interpretation of the submitted ZTVs. The information concludes that Balmanno Castle had theoretical visibility of the blade tips of all four turbines under the consented extant permission but no theoretical visibility of any hubs. Now the castle will have theoretical visibility of the blade tips of all four turbines and the hub of one turbine now being marginally visible. As such I conclude that the impact remains largely unchanged from the consented turbine heights, particularly as the southern edge of the HGDL is lined by mature trees which restricts views in the direction of the turbines.
- 139 There is no argument that the proposed turbines will impact on the setting of the Catochil Farmhouse and Catochil Steading which are category B and C listed buildings located immediately adjacent to the turbines. I do not consider the 9m increased height to result in any more significant an impact on the setting of these building as the consented scheme.
- 140 It is concluded that the proposed increased turbine heights will not have any significantly adverse impact on cultural heritage assets in the area in comparison with the consented scheme. Therefore the proposal is considered to comply with policies HE1A, HE2 and HE4 of the LDP in this regard.

Residential Amenity and Noise

- 141 The extant permission has been granted subject to a series of conditions to control noise from the turbines and to protect residential amenity. This also included the change of use of Catochil Cottage and Catochil House from residential use to office use as the required noise levels at these properties could not be met. There were also a number of properties declared as having a financial interest (FI) in the project and therefore such an involvement allows a

greater acceptable noise threshold to be applied in assessing the noise impact from the proposed turbines.

- 142 The letters of representation for this application raise concerns relating to those properties which are considered to be FI with many stating that any FI was agreed with a previous agent and therefore no longer applied to this scheme. The submission required to accurately reflect those properties which do or do not have a financial interest in the site. Concern was also expressed from the owner of Catochil House which was indicated in the previous submission to be subject to a change of use to office accommodation given its proximity to the turbines. The owner stated that it was their intention to remain in the dwelling and no agreement had been reached on the sale of this property to the applicant to allow a change of use to occur.
- 143 Furthermore there is a consented house adjacent to Grampian View (PKC ref: 17/00811/AML) which has not been considered in the noise assessment and required to be included.
- 144 As such the assessment relating to both shadow flicker and noise required to be updated to address the above matters and clarify what properties are FI and what properties will or will not be subject to a change of use.
- 145 There was a significant delay (approximately 6 months) in the submission of the SEI by the applicant's agent and this was apparently related to the agreement with some of the above properties in relation to FI.
- 146 This application does not include a change of use for the two residential properties at Catochil Cottage and Catochil House to office accommodation and they have not been included in the noise assessment contained in the Supplementary Environmental Information dated May 2018 & September 2018. However a letter has been received from the owner of Catochil House which states that they now have a legal agreement drawn up relating to the sale of their property to the applicant. The applicant's agent has also clarified that Catochil Cottage is already in the ownership of the applicant and will not be in residential use for the length of the operational of the wind farm.
- 147 EH have considered this matter and stated that unless these properties can be restricted so as not be occupied as residential properties for the lifetime of the wind farm development, EH would have no option but to object to this application on the ground that the development would have an adverse impact on the residential amenity of these properties. However this matter could be controlled by appropriately conditions should planning consent be granted.
- 148 The noise assessment has been updated to reflect the requirements of EH and to address the issues raised in the assessment of the previous application. This relates to the adoption of a night time noise level of 38 dB(A) and further assessment of the impact of noise on Barclayfield which is located to the north west of the site.
- 149 The SEI dated September 2018 has adopted this approach and applied the 35 dB limit outlined within the ETSU-R-97 guidance – The Assessment and Rating

of Noise from Windfarms – September 1996 and it has been demonstrated that based on predicted background noise levels, the noise limit would be achievable at this property.

- 150 In relation to the previous planning consent, it was stated that a number of properties had a financial involvement in the development, by this I mean that the occupants had a legal agreement in place to financially benefit from the wind farm development, which allowed for the lower fixed noise limit to be increased to 45 dB(A).
- 151 A review of all financially involved properties has been undertaken and that it has been stated by the applicant's agent that the following properties only will have a financial interest in the development:
- Easter Catochil
 - Balvaird House
 - West Bungalow
 - Binn Farm Cottage
 - Binn House Farm
- 152 The previous application indicated that Mountquharrie House, Gamekeepers Cottage and Balvaird Cottage were FI properties but it has been confirmed they are no longer FI properties.
- 153 For the avoidance of any doubt, provided that this can be demonstrated prior to the development commencing that a financial agreement is in place so that the occupier of the above properties benefit financially to the wind farm development for the lifetime of the development, a higher noise levels of 45 dB(A) could be applied. However, should the occupiers of these properties, at any time, no longer have a financial interest in the development then the noise levels shall revert back to the lower derived levels. An appropriately worded condition can ensure this should permission be granted.
- 154 The revised noise assessment has predicted that Mountquharrie House will exceed the noise limits during the daytime at certain wind speeds. Noise mitigation has therefore been proposed to operate the wind turbine in a reduced power mode (100kw) at these wind speeds which will reduce the noise to within 0 dB of the limit. EH have some reservations as to whether this would be achievable in practice, however, this could be controlled by condition should permission be granted.
- 155 As such on the basis of the information submitted and through the use of appropriately worded conditions, the proposal is considered to comply with policies EP8 and ER1A (relating to residential amenity) of the Perth and Kinross Local Development Plan 2014 (LDP). It should be noted that a series of more robust conditions relating to noise in comparison with the previous scheme are now recommended by Environmental Health based upon the additional information submitted and in relation to those properties with a financial interest.

Shadow Flicker

- 156 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents.
- 157 Environmental Health has assessed this matter and with regards to shadow flicker, UK Government Reports such as “Onshore Wind Energy Planning Conditions Guidance Note” for BERR state that only properties within a 10 rotor diameter need be considered. The rotor diameter for the proposed turbines is 92m and therefore properties within 920m of the turbines may be susceptible to shadow flicker. Mountquharry House is around 500m from the nearest turbine, which will sit to the south-west, and would be clearly affected by shadow flicker. Furthermore Gamekeepers Cottage is located approximately 780m from the nearest turbine. In the ES for the original application, it was concluded that the potential for shadow flicker has been assessed for the surrounding properties, where it is seen that there is potential for shadow flicker levels to exceed the guidelines of 30 minutes in a single day or 30 hours in a single year.
- 158 In order to mitigate shadow flicker satisfactorily and protect residential amenity a condition was applied to the extant consent whereby prior to commencement of the development, the applicant had to submit a scheme for an operational protocol for the assessment of any complaints of shadow flicker. EH have considered the revised submission and have come to the same conclusion as the previous application that shadow flicker can be adequately controlled by condition through the requirement for an operational protocol for the assessment of any complaints regarding shadow flicker. Therefore the issues of shadow flicker can be controlled by condition and the proposal complies with Policy ER1A of the LDP in this regard.

Hydrology and Private Water Supplies

- 159 Concerns were raised by objectors about the impact of the proposals on private water supplies in close proximity to infrastructure associated with the proposed development. Furthermore SEPA made comment on the extant permission relating to the impact on Ground Water Dependent Terrestrial Ecosystem (GWDTE) and their comments remain applicable to this application. In order to mitigate any adverse impact it is proposed to reduce and control runoff from the access tracks using best practice and controlled through the Construction Method Statement and water quality management plan as part of a wider Construction Environmental Management Plan (CEMP) which could be secured by condition. This will prevent and managing and leakage and prevent concrete contamination of ground water and surface water and protection of private water supplies. SEPA have no objections with regard to hydrology subject to conditions being attached to any consent to mitigate ground water and surface runoff impacts from the development.
- 160 Local private water supplies, in particular the Mountquharry House and Grampian House supplies, have been acknowledged in the environmental investigations already completed in the EIA for the extant permission.

Environmental Health therefore recommended that the proposed water quality management plan should include full details of the sources, infrastructure including treatment and properties served by private water supplies arising within, or likely to be affected by the development. Details of the proposed nature and frequency of baseline water supply monitoring prior to commencement, during and subsequent to completion of the development must also be included. Details of proposed methods of alerting affected individuals as a result of a contamination issue arising from the development should be included along with alternative water supply arrangements. I do not consider the increased height of the turbines and minor changes to the access track locations to alter these conclusions. These matters could be secured by condition, similar to that outlined in the extant permission.

Traffic and Road Safety

- 161 The likely increases in traffic volumes as a result of the construction phase of the proposed development have been predicted and referred to in the EIA for the extant permission. The construction programme estimates the duration of construction activity to be approximately nine months. The predicted traffic flows take into account specific construction activities and associated HGV trip generation. The potential effects associated with the construction traffic on site will be reduced through the use, where available, of existing access tracks within the proposed development site, reducing construction materials required. In addition, borrow pits are to be utilised to reduce the need to import aggregate to site. There will be no significant vehicle movements during the operational phase of the development.
- 162 There are no objections to the proposed development on traffic or road safety grounds from the Council's Transport Planner or from Transport Scotland on the impact of the proposal on the trunk road network subject to a condition being recommended on any consent for a Construction Traffic Management Scheme and an informative for the applicant to consult with Transport Scotland on the transportation of infrastructure and turbines to the site. The increase in turbine heights is not considered to alter the above conclusions subject to the same conditions as the extant consent.

Archaeology

- 163 Perth and Kinross Heritage Trust have been consulted on the application and recommended a condition relating to the provision of archaeological monitoring on the site similar to the extant consent.

Economic Benefits and Renewable Energy Generation/Carbon Reduction

- 164 The anticipated economic benefits of the proposed development are important material considerations within the context of supporting the operation and development of Binn Eco Park, which is a significant employer within Perth and Kinross, currently employing around 150 employees. Securing such economic and employment benefits can be recognised as being consistent with key Scottish Government and Development Plan economic objectives. The

submission indicates that the turbines will provide energy to the Eco Park and this will therefore clearly be of economic benefit to the existing facility.

- 165 There are a number of ways in which a wind turbine can bring jobs to a local community. Firstly, the construction stage itself requires a range of workers to construct and assemble the turbine on site and connect to the national grid. In addition, for the duration of the construction this short term work supports other local businesses. Secondly, there is the on-going maintenance of the turbine which contributes to the predicted 130,000 jobs in the renewables sector in Scotland by 2020.
- 166 In addition to the benefits to the environment the proposed renewable energy project will bring it is proposed that the electricity generated will partly be exported to the grid. It would also help to serve the existing Eco Park and the income generated would help sustain the existing business.
- 167 The generation of renewable energy production is an important consideration for the operational future of Binn Eco Park. This is considered to be in accordance with the goals of sustainable development and accords with the principles and ethos of the Eco Park as a significant renewable energy centre within the Scottish economy. It is accepted Scottish Government policy states there is a need to increase the amount of electricity generated from renewable sources in order to reduce reliance on fossil fuels and that wind power plays an important role in this aim. The potential electricity generated at Binn Eco Park by the proposal (9.4MW compared with 9.2MW of the consented scheme) will offset the need to generate electricity from fossil fuels where it is estimated by the applicant that the proposal could displace between 7723 tonnes (gas) and 17733 tonnes (coal) of CO₂ emissions each year of generation. It is estimated that the electricity generated would be able to provide electricity for the equivalent of up to 4623 homes.
- 168 The Scottish Government, through its planning policies and guidance, is also broadly supportive of wind energy as a vital part of the response to climate change. Policy ER1A states that any positive or negative effects which the development may have on the economy require to be taken into account. It is also acknowledged that, in some circumstances, there may be an additional justification associated with an existing economic use.
- 169 This proposal to increase turbine heights will increase energy generation only marginally from 9.2MW to 9.4MW in comparison with the consented scheme, equating to an increase of energy generation of approximately 2%. This increase is considered to be small in scale and the increased energy provision to the Eco Park and wider grid, together with the associated economic benefits to the Eco Park, in comparison with the consented scheme are not considered to be so significant to outweigh the concerns relating to landscape and visual impact which are outlined above.

Community Fund/Benefit

- 170 The extant permission made reference to a considerable level of community benefit through a proposed package of at least £40,000 per annum over the 25

year operational life of the proposed development, based on a figure of £5,000 per MW. There is no reference to these figures in this revised application. Clarity has been sought from the planning agent regarding this and they have stated that a Community Interest Company (CIC) has now been set up on the back of the Scottish Government seeking for wind farm development to be in shared ownership. According to the agent there is an offer for part ownership of the scheme for the four Community Councils in the area. This would allow them to take ownership of 50% of the project. Whilst Policy ER1 states that proposals for a project which is supported by a community will be supported there is no evidence at this stage of any agreement with the community in this regard.

- 171 The economic, employment and community benefits, renewable energy contribution and carbon reduction associated with the proposed development have to be balanced against the potential significant adverse effects on local environmental quality. I do not consider the small scale increase in energy generation associated with the increased turbine heights to hold significant weight in the determination of this application and do not consider these to outweigh the concerns outlined above relating to the landscape and visual impact of the increased turbine heights.

Health and Safety (Ice Throw)

- 172 The build-up of ice on turbines blades is unlikely to present problems as when icing does occur on the turbines, their vibration sensors would detect the imbalance and prohibit the operation of the turbines.

Aviation

- 173 Wind turbines have been identified to have detrimental effects on the performance of MOD Air Traffic Control and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely.
- 174 The increased height and location of the proposed wind turbines have been assessed by the MOD and they have advised that they do not object to the proposal. They have however requested that if planning permission is granted the following information is provided to the MOD:
- the date construction starts and ends;
 - the maximum height of construction equipment;
 - the latitude and longitude of the turbine.
- 175 This can be addressed in a suitably worded condition should planning consent be granted.

TV Reception

- 176 It is not anticipated that the proposed increased turbine heights would have any significant impact on television reception. However, an appropriately worded condition could be attached to any permission which would provide mitigation measures for any person(s) affected directly by this proposal.

Neighbour Notification and Advertisement and Public Consultation

- 177 The application has been advertised in accordance with the requirements of the relevant legislation in relation to both the Planning Act and Environmental Impact Assessment Regulations. There is no statutory requirement to undertake a public consultation exercise within an application of this scale.

Accuracy of Submission

- 178 It is noted that concerns have been expressed regarding the accuracy of the submission. The information provided in support of the application is considered to be sufficiently accurate to enable a detailed assessment of the relevant issues to be undertaken.

Loss of Open Space and Agricultural Land

- 179 The increase in turbine heights associated with this application is not considered to result in the significant loss of open space or agricultural land when compared with the extant approval for a wind farm on this site.

LEGAL AGREEMENTS

- 180 None required

DIRECTION BY SCOTTISH MINISTERS

- 181 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 182 In conclusion, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the Development Plan unless other material considerations indicate otherwise. With respect to the above assessment, despite the proposal having important economic, employment and environmental benefits, with a significant proposed reduction in carbon emissions in accordance with national energy policy, it is considered that the proposed increase in turbine heights exacerbates the landscape and visual impact of the development to an unacceptable level which is contrary to the criteria contained within the Local Development Plan.

- 183 Furthermore the limited increase in renewable energy generation (9.2mw to 9.4mw) as a result of the increased turbine height is not considered to be sufficient to outweigh the concerns relating to landscape and visual impact.
- 184 I am satisfied that all other relevant matters relating to the application, including noise and residential amenity, ecology and impact on cultural heritage have been addressed and could be controlled through appropriately worded conditions should consent be granted.
- 185 However, on balance, it is concluded that the increased turbine heights exacerbates the landscape and visual impact of the development to an unacceptable level.
- 186 While there is considerable support in the Scottish Planning Policy for this form of development this support is not unconditional, planning policy and national guidance makes it clear that environmental, visual and cumulative impacts must be addressed. The extant permission is a significant material consideration in the assessment of this application however I do not consider this to be of sufficient to outweigh the increased landscape and visual impact which results from the increased turbine heights. Furthermore I also do not consider the marginal increase in energy generation and the associated economic benefit and carbon reduction levels to be of such merit to outweigh the policy concerns relating to landscape and visual impact.
- 187 The proposed increase in turbine heights would therefore result in unacceptable adverse landscape impacts and visual impacts, having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policies ER1A, and ER6 of the Perth and Kinross Local Development Plan 2014 and the guidance contained within the Tayside Landscape Character Assessment (1999) and Scottish Natural Heritage Siting and Designing Wind Farms in the Landscape Guidance August 2017.
- 188 The application, on balance, is therefore recommended for refusal.

RECOMMENDATION

A Refuse the application for the following reasons

- 1 The proposed increase in turbine heights would result in unacceptable adverse landscape impacts and visual impacts. The proposal will result in the hubs and blades of the turbines breaching the skyline and ridgelines from key viewpoints including Kinnoull Hill, Abernethy, Pitlour Hill and West Lomond which would contravene the recommendations made within the Tayside Landscape Character Assessment (TLCA) 1999 and the guidance contained within the Scottish Natural Heritage Siting and Designing Wind Farms in the Landscape Guidance 2017. This would have an adverse landscape and visual impact which cannot be economically or socially justified given the limited increase in energy production associated with the proposed increased turbine heights. The proposal is therefore contrary to policies ER1A, and ER6 of the Perth and Kinross Local Development Plan 2014.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

None

Background Papers: 49 letters of representation and a petition with 250 names objecting to the application

Contact Officer: John Williamson

Date: 28 March 2019

**ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER**

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