

Perth and Kinross Council  
Development Control Committee – 22 May 2013  
Report of Handling by Development Quality Manager

**Erection of nine wind turbines and associated infrastructure including access, tracks, hardstanding areas, control building, substation, cabling, borrow pits and anemometer mast on land at Mull Hill, Abercairney Estate, Crieff**

Ref. No: 11/02151/FLM  
Ward No: 6 Strathearn

### Summary

This report recommends refusal of the application for the erection of nine turbines, and associated infrastructure including access, tracks, hardstanding areas, control building, substation, cabling, borrow pits and anemometer mast. The development is considered to be contrary to the Development Plan resulting in unacceptable adverse landscape impacts having regard to landscape character as well as the wider landscape setting which is further exacerbated due to the cumulative landscape impact associated with operational and consented windfarms.

### BACKGROUND AND PROPOSAL

- 1 The proposal is for the development of nine wind turbines that would have an overall tip height of 104 metres. The maximum combined output of the turbines is dependant on the final turbine selection. At this particular juncture the applicant has confirmed that the generating capacity of each turbine would be approximately 2.5MW. This would result in an overall capacity of 22.5 MW.
- 2 The Mull Hill application site covers an area of 855 hectares and predominantly consists of heather moorland which is used for rough grazing for livestock as well as grouse shooting. The site is located 4 kilometres northeast of Crieff. Construction and operational access would be taken from the A85 at Milton of Abercairney and use the temporary route that was approved for construction of the Beauly/Denny Overhead Line Project. From the A822 a new access point would be created with a new access track leading to the turbine locations.
- 3 Infrastructure to enable the construction, operation and decommissioning of the site will be required. This includes crane hardstandings, borrow pits to win material, a meteorological mast for the duration of the windfarm, onsite underground cables, a control building/substation, site signage and a temporary construction compound. The agent has confirmed that the grid connection point is anticipated to be the Crieff or Braco substations. If approved the development would operate for a 25 year period before the site is decommissioned.
- 4 Members should be made aware that the Mull Hill site comprises part of the previous Abercairney Wind Farm proposal which consisted of three clusters

and a total of 24 wind turbines that was refused consent by Scottish Ministers through a Public Local Inquiry, Scottish Government Energy Consents Unit reference IEC/3/110.

## **HIERARCHY OF APPLICATIONS**

- 5 This application is a major application as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 due to the electricity generating capacity of the nine turbine proposal exceeding 20 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.

## **PRE-APPLICATION CONSULTATION**

- 6 A Proposal of Application Notice (PAN) was submitted to the Council as required by Regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The content of the PAN and revisions to the public event date were subsequently agreed by the Council under 11/00014/PAN.
- 7 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the measures agreed through the Proposal of Application Notice.

## **Environmental Impact Assessment (EIA)**

- 8 EEC Directive (No 2003/35/EC) requires an Authority giving a planning consent for particular large scale projects (the 'competent authority', and in this case Perth and Kinross Council) to make its decision 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 they can be given 'development consent'. 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. This 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.
- 9 As a result of the scoping exercise the following issues were requested to be incorporated within this ES:
  - Site selection criteria;
  - Design Strategy;
  - De-commissioning proposals;
  - Landscape and Visual Impact Assessment including Cumulative Impact Assessment;
  - Tourism assessment (including Outdoor Access and Recreation);
  - Biodiversity appraisal;
  - Ornithological assessment;
  - Noise ;

- Highways/Traffic assessment ;
  - Water Resource/hydrology assessment ;
  - Archaeological appraisal and historic environment/cultural heritage appraisal.
  - Socio/economic assessment
- 10 An Environmental Statement supports the planning application and is a key part of the applicant's submission.

## **NATIONAL POLICY and GUIDANCE**

- 11 The Scottish Government expresses its planning policies through the National Planning Framework 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework**

- 12 The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. 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.

### **The Scottish Planning Policy 2010**

- 13 The SPP is a statement of Scottish Government policy on land use planning and contains:
- the Scottish Government's view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,
  - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
  - concise subject planning policies, including the implications for development planning and development management, and
  - the Scottish Government's expectations of the intended outcomes of the planning system.
- 14 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraph 25: Determining planning applications
  - Paragraph 33: Sustainable Economic Growth
  - Paragraphs 34 – 44: Sustainable Development and Climate Change
  - Paragraphs 110 - 124 :Historic Environment
  - Paragraphs 125 – 148: Landscape and Natural Heritage
  - Paragraphs 165 – 176: Transport

- Paragraphs 196 – 211: Flooding and Drainage
- Paragraphs 183 – 191: Renewable Energy & Wind Farms and sets out National planning policy.
- Paragraph 257: Outcomes

15 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 45 Renewable Energy
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

## **2020 Routemap for Renewable Energy in Scotland - 2011**

16 Sets out Scottish Government's ambitions for renewable energy and highlights a strategy for the delivery of a target to meet an equivalent of 100% demand for electricity from renewable energy by 2020. As well as providing broad support for renewable energy development the strategy is underpinned by the principle of demand reduction.

17 S3.2 sets out key actions in respect of Onshore Wind development. In relation to the role of Planning it is advised that:

*The planning system must continue to balance environmental sensitivities with the need to make progress on renewable targets, and support planning authorities in maximising opportunities. Planning Authorities should also be encouraged to complete the spatial frameworks required by Scottish Planning Policy, deliver development plans which clearly set out the spatial and policy context for renewables and implement development management procedures that allow for appropriately designed and sited onshore wind proposals to emerge.*

## **Onshore wind turbines – 2012**

18 Provides specific topic guidance to Planning Authorities from Scottish Government.

19 The topic guidance includes encouragement to planning authorities to:

- development 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.
- the involvement of 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.

20 In relation to any assessment of cumulative impacts it is advised that:

*In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines, either as stand alone groups or extensions to existing wind farms. In other cases, where proposals are being considered in more remote places, the threshold of cumulative impacts is likely to be lower, although there may be other planning considerations.*

*In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.*

## **DEVELOPMENT PLAN**

21 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Strathearn Area Local Plan.

### **TAYplan June 2012**

22 The vision set out in the TAYplan states that:

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

23 **Policy 2:** Shaping Better Quality Places seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

24 **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.

- 25 **Policy 6:** Energy and Waste/Resource Management Infrastructure of TAYplan 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.

### **Strathearn Area Local Plan 2001**

- 26 The Plan identifies the protection and enhancement of the environment as a key Council Strategic Policy.
- 27 The principal relevant policies are in summary:

#### **Policy 1: Sustainable Development**

- 28 Identifies that the Council will seek to ensure that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. The following principles will be key guidelines in assessing whether projects pursue a commitment to sustainable development:
- The quality of the natural environment should be maintained or improved;
  - Where there is great complexity or there are unclear effects of development on the environment, the precautionary principle should be applied;
  - Biodiversity is conserved;

#### **Policy 2: Development Criteria**

- 29 Identifies criteria against which all developments will be assessed. This includes:
- An acceptable landscape framework;
  - Satisfactory scale, form, colour, and density of existing development within the locality;
  - Compatibility with surroundings in land use terms and no significant loss of amenity to the local community;
  - A road network capable of absorbing the additional traffic generated by the development and the provision of a satisfactory access onto that network;
  - A site large enough to accommodate development satisfactorily in site planning terms.

#### **Policy 3: Landscape**

- 30 Identifies new development should conserve landscape features and sense of local identity, and strengthen and enhance landscape character and confirms that the Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

### **Policy 5: Design**

- 31 Identifies that the Council will require high standards of design for development in the Plan area and particular encouragement will be given to ensuring:
- that the proportions of any building are in keeping with its surroundings; and
  - that development fits its location.

### **Policy 11: Renewable Energy**

- 32 Identifies that broad support will be given to the renewable energy projects in appropriate locations. In assessing proposals, consideration will be given to criteria which seek to ensure that:
- development will not have a significant detrimental effect on sites recognised by designation at a national, regional or local level, of nature conservation interest or sites of archaeological interest;
  - development will not result in an unacceptable intrusion into the landscape character of the area;
  - development will not result in an unacceptable loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
- 33 Developers will be required to enter into an agreement for the removal of the development and the restoration of the site following the completion of the development's useful life.

### **Policy 13: Nature Conservation**

- 34 Identifies that development will only be permitted on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site where the appropriate assessment indicates that the following criteria can be met:
- The development will not adversely affect the integrity of the site
  - There are no alternative solutions
  - There are imperative reasons of over-riding public interest.

### **Policy 14: Natura 2000 sites**

- 35 Development which would affect:
- (i) Sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended; and Annex II and IV of the European Community Habitats Directive or Annex I of the European Community Wild Birds Directive
  - (ii) Those habitats listed in Annex I of the European Community Habitats Directive will only be permitted where appropriate assessments have demonstrated to the satisfaction of the Council as planning authority that:

- (a) There will not be an adverse effect on the species or habitats; or
- (b) There is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social or economic nature.

36 Note: Further details of protected sites and areas are contained in the Technical Appendix.

### **Policy 15: National Nature Reserves and Sites of Special Scientific Interest**

37 Development which would affect a National Nature Reserve or a Site of Special Scientific Interest will only be permitted where appropriate assessments have demonstrated to the satisfaction of the Council as planning authority that:

- (a) The objectives of designation and the overall integrity of the designated area would not be compromised; or
- (b) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

38 Note: Further details of protected sites and areas are contained in the Technical Appendix.

### **Policy 16: Local Wildlife Sites**

39 Development which would affect an area designated as being of local nature conservation or geological interest as identified on the Proposals Map will not normally be permitted except where appropriate assessments have demonstrated to the satisfaction of the Council as planning authority that:

- (a) The objectives of designation and the overall integrity of the designated area would not be compromised; or
- (b) Any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

40 Note: Further information on sites of nature conservation interest is contained in the Technical Appendix.

### **Policy 17: Locally Important Habitats:**

41 Identifies that the Council will seek to protect and enhance habitats of local importance to nature conservation, including grasslands, wetlands and peatlands, habitats that support rare or endangered species.



### **Policy 19: Historic Gardens & Designed Landscapes:**

- 42 Identifies that protection will be afforded to Historic Gardens and Designed Landscapes in the consideration of new development proposals.

### **Policy: 23 & 24 Archaeology**

- 43 Identifies that Scheduled Ancient Monuments will be protected from potential adverse development. Protection will also be afforded to unscheduled sites of archaeological significance and their settings and there will be a strong presumption in favour of preservation in-situ.

### **Policy 25: Archaeology**

- 44 Where it is likely that archaeological remains may exist, the prospective developer will be required to arrange for an archaeological evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist before the planning application is determined.

### **Policy 27: Listed Buildings**

- 45 There will be a presumption against the demolition of Listed Buildings and against works detrimental to their essential character. There will be a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

### **Policy 35: Public Access & Informal Recreation:**

- 46 Identifies that the Council will seek to improve and extend public access to the countryside.

### **Policy 46: Diversification:**

- 47 Identifies that support will be given to proposals for farm diversification where a proposal would not adversely affect the amenity of the countryside and the proposal would not conflict with other Development Plan policies.

## **PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012**

- 48 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

49 The principal relevant policies are in summary:

**PM1A: Placemaking**

50 Requires all new development to contribute positively to the quality of the built and natural environment. Design and landscaping will be key requirements of any new development proposal.

**PM1B: Placemaking**

51 Identifies placemaking design criteria which should be satisfied by all new development.

**Policy ED3: Rural Business and Diversification**

52 The Council will generally give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas.

**Policy ED5: Major Tourism Resorts**

53 The Plan area includes a number of significant resort complexes which play a significant role in the local, national and international tourism economy. The improvement or expansion of these facilities will be encouraged and the landscape setting which is integral to their tourism offer will be protected from developments with the potential to adversely impact upon it.

54 Specifically these major resorts are:(a) Crieff Hydro(b) Dunkeld House (c) The Gleneagles Hotel (d) gWest (e) Taymouth Castle Estate.

**Policy TA1: Transport Standards and Accessibility Requirements**

55 Encourages the retention and improvement of existing transport infrastructure.

**Policy CF2: Public Access**

56 Development proposals that would have an adverse impact upon any (proposed) core path, asserted right of way or other well used route, or that would otherwise unreasonably affect public access rights will be refused, unless those impacts are adequately addressed in the plans and suitable alternative provision is made.

**Policy HE1A: Scheduled Monuments**

57 Identifies a presumption against development which would have an adverse effect on the integrity of a Scheduled Ancient Monument and its setting.

**Policy HE1B: Non-Designated Archaeology**

58 Identifies a presumption against development which would have an adverse effect on the integrity of a Scheduled Ancient Monument and its setting.

### **Policy HE2: Listed Buildings**

- 59 The appropriateness of layout design, scale and siting of any development which affects a listed building or its setting will be carefully considered by the Council.

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

- 60 The Council will seek to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes.

### **Policy NE1A: Environment and Conservation Policies**

- 61 Identifies that development which could have a significant effect on a SAC will only be permitted where appropriate assessment is undertaken.

### **Policy NE1B: National Designations**

- 62 Development which would affect a National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that: (a) the proposed development will not adversely affect the integrity of the area or the qualities for which it has been designated; or (b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

### **Policy NE1C: Local Designations**

- 63 Confirms that development which would affect an area designated as being of local nature conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that the objectives of designation and the overall integrity of the designated area would not be compromised and/or any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

### **Policy NE1D: European Protected Species**

- 64 Identifies that planning permission will not be granted where development would be likely to adversely affect a European Protected species.

### **Policy NE3: Biodiversity**

- 65 Identifies that the Council will seek to protect and enhance all wildlife and wildlife habitats. Development may be required to demonstrate that all adverse effects on species and habitats have been avoided where possible.

### **Policy NE4: Green Infrastructure**

- 66 Provides support for the development that will contribute to the creation, protection, enhancement and management of green infrastructure.

### **Policy ER1A: Renewable and Low Carbon Energy Generation**

- 67 Provides broad support to new commercial renewable energy developments where a range of detailed criteria including biodiversity, cultural heritage, landscape character, cumulative effects and residential amenity are fully satisfied.

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

- 68 Requires new development proposals to be compatible with the distinctive characteristics and features of the Perth & Kinross Landscape. New development proposals will be required to conserve and enhance the landscape qualities of Perth and Kinross. Identifies that the Tayside Landscape Character Assessment will be used for assessing development proposals along with other material considerations.

### **Policy EP2: New Development and Flooding**

- 69 There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

### **Policy EP3C: Surface Water Drainage**

- 70 Identifies all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP8: Noise Pollution**

- 71 Identifies a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive uses. Identifies that conditions will be used to limit noise for developments where design and siting alone would deliver insufficient mitigation.

## **OTHER POLICIES**

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

- 72 This supplementary planning guidance was the subject of a public consultation exercise ahead of approval by Perth and Kinross Council on 18 May 2005. Consequently, it is considered that it may be regarded as a material consideration to the current proposal.
- 73 The application site is located within an area identified in that document as '*strategically sensitive*' which is determined by the presence of landscape, biodiversity or aviation concerns. The guidance document confirms there is a "presumption against wind energy developments unless it has been demonstrated that they utilise turbines of a size and a scale appropriate to their

location, are in locations which will have a slight or no significant impact on settlements, landscape, character, visual amenity, habitats, will not have unacceptable cumulative impacts and would be consistent with the Council's detailed Policy Guidelines".

- 74 The SPG has not been approved by Scottish Ministers. The document post-dates the adopted Development Plan for the area and goes further through the identification of a 'broad area of search'. Accordingly, whilst the document will have value to both developers and the Council in its consideration of proposals for wind energy developments, it is the case that its weighting in the determination of this application should only be limited.

### **Tayside Landscape Character Assessment (TLCA)**

- 75 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The Structure Plan and the Strathearn Local Plan make it clear that the TLCA will be a 'material consideration' when considering any development proposal in Perth and Kinross. The TLCA suggests that the overall aim of any management strategy should reflect the sensitivities of the landscape and to protect it from inappropriate development.

### **The Economic Impacts of Wind Farms on Scottish Tourism (2007)**

- 76 Glasgow Caledonian University was commissioned in June 2007 to assess whether Government priorities for wind farms in Scotland are likely to have an economic impact – either positive or negative – on Scottish tourism. The objectives of the study were to:
- Discuss the experiences of other countries with similar characteristics.
  - Quantify the size of any local or national impacts in terms of jobs and income.
  - Inform tourism, renewables and planning policy.
- 77 The overall conclusion of this research is that the Scottish Government should be able to meet commitments to generate at least 50 per cent of Scotland's electricity from renewable sources by 2020 with minimal impact on the tourism industry's ambition to grow revenues by over £2 billion in real terms in the 10 years to 2015.
- 78 Four parts of Scotland were chosen as case-study areas and the local effects were also found to be small compared to the growth in tourism revenues required to meet the Government's target. The largest local effect was estimated for 'Stirling, Perth and Kinross', where the forecasted impact on tourism would mean that Gross Value Added in these two economies would be £6.3 million lower in 2015 than it would have been in the absence of any wind farms (at 2007 prices). The majority of this activity is expected to be displaced to other areas of Scotland, and the local effect on tourism should be considered alongside other local impacts of the developments – such as any jobs created in the wind power industry itself. This is equivalent to saying that tourism revenues will support between 30 and 339 jobs fewer in these economies in

2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.

- 79 The research concluded that the evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the tourist industry than a large number of small farms scattered throughout Scotland. However, the evidence, not only in this research but also in research by Moran, commissioned by the Scottish Government, is that landscape has a measurable value that is reduced by the introduction of a wind farm.
- 80 Based on survey responses and research findings, the research in this report suggests that from a tourism perspective:
- Having a number of wind farms in sight at any point in time is undesirable from the point of view of the tourism industry.
  - The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.
- 81 These suggest that to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

### **Planning Site History**

- 82 IEC/3/110 Scottish Government Energy Consents Unit –Application for consent under Section 36 of the Electricity Act for Wind Generating Station at Abercairney near Crieff. 8 September 2006 Application refused following Public Local Inquiry.
- 83 11/00014/PAN - Erection of a wind farm (9 turbines) including associated infrastructure, site access, on-site access tracks, borrow pits, cabling and transformers - (Mull Hill) 19 September 2011.
- 84 11/01397/FLL - Formation of a temporary access track 17 October 2011 Application Permitted.
- 85 11/01513/FLL - Erection of a meteorological monitoring mast (temporary) 12 December 2011 Application Permitted.

### **CONSULTATIONS**

#### **Scottish Government**

- 86 Under the Environmental Impact Assessment (Scotland) Regulations 2011 the Scottish Government are a statutory consultee to any submitted EIA. The comments detailed below are representative responses to either the content of

the Environmental Statement and the appropriateness or otherwise of the submitted development proposal.

- **Transport Scotland:** No objection. Overall there will be a minimal increase in traffic on the trunk road.
- **Historic Scotland:** Does not object to the proposal but offers the comments on how the proposal affects heritage assets. This is discussed in greater detail in the appraisal section of this report.
- **Environmental Quality Directorate:** No comments to offer in relation to air quality and noise.

### **SEPA**

- 87 Initially objected to the proposal however following the submission of additional environmental information this has been withdrawn and conditional control recommended.

### **Scottish Natural Heritage**

- 88 Object to a windfarm in this strategically important location as the proposal would significantly detract from the distinctive transitional landscape created by this part of the Highland Boundary Fault line, including its setting, people's views and appreciation of it.

### **RSPB Scotland**

- 89 Originally objected to the proposal due to the potential impact on Golden Eagles but this was withdrawn following the submission of additional ornithological information. However RSPB still refer to their detailed advice in their initial response which highlighted strong concerns about elements of information contained within the Environmental Statement and the potential impact of a windfarm development on this site.

### **Environmental Health including Dick Bowler**

- 90 With regards to noise the proposal meets the ETSU-R-97 day time limit with the lower limit set at 35dB and it meets the night time limit with the lower limit set at 36dB or above. It also meets the ETSU-R-97 combined day and night limit where the night and quiet day data are processed together. Conditional control is recommended to protect residential amenity.

### **Ministry of Defence**

- 91 No objections. Request aviation lighting fitted to any approved turbines.

### **BAA Airports**

- 92 No objection.

### **Scottish Water**

- 93 No objection.

### **Landscape Officer**

- 94 Objection: siting and design, visual impact, landscape impacts, cumulative effects.

### **Loch Lomond and the Trossachs National Park**

- 95 Due to the distance between the proposed wind farm development and the boundaries of the National Park, and due to the location of the proposed wind farm development away from any main gateways towards the National Park, the LLTNPA does not consider that the proposed development will result in a significant adverse impact on the Special Qualities of the National Park.

The LLTNPA is concerned about the growing number of wind farms proposed outside, but near to the boundaries of the National Park. However, on this occasion it is not considered that the proposed wind farm at Mull Hill will result in a significant additional adverse impact on the landscape.

### **Perth & Kinross Heritage Trust – Archaeology**

- 96 No objection subject to an archaeological condition being applied to the consent.

### **Braco and Greenloaning Community Council**

- 97 Objection.

### **East Strathearn Community Council**

- 98 Objection.

### **Methven and District Community Council**

- 99 Objection.

### **Muthill and Tullibardine Community Council**

- 100 Objection.

## **REPRESENTATIONS**

- 101 The application has attracted a number of representations both for and against the proposals.

**Support:** 119 letters of support have been received raising the following issues:



- Economic benefits to locality;
- any localised visual detriment outweighed by wider environmental benefit;
- proposal accords with Government Policy on renewables;
- significant contribution to Co2 reduction targets and Government Renewable Energy targets;
- contribute to reduction in fossil fuel uses and dependence;
- integral part of local and national renewable energy strategy;
- no detriment to tourism or enjoyment of area.

**Objections:** 283 letters of objection have been received raising the following issues:

- Contrary to policy and supplementary planning guidance.
- Inappropriate land use and impact on existing landuses.
- Loss of open space and visual amenity.
- Noise Pollution and resulting impact on health.
- Out of character with area/ landscape impact/ cumulative landscape impact/ impact on Highland Boundary Fault.
- Unacceptable design. Excessive height. Not appropriately sited or designed.
- Traffic implications/ road safety hazard/ unsafe access.
- Impact on tourism.
- Impact on horse riding.
- Loss of wild land.
- Impact on birds/ wildlife.
- Impact on cultural and heritage attractions (Wade's Military Road, Scheduled Ancient Monuments, Listed buildings and Designed Landscape and Historic Gardens).
- Over intensive development.
- Inadequate Information (Grid Connection)
- Concerns with 50 metre micro-siting if approved.
- Concerns with noise monitoring if approved.
- Environmental Statement does not look at alternatives or design options.
- The applicants LVIA Assessment does not accord with guidance and understates the significance of effects. Concern with the competency of the residential amenity assessment methodology in the Environmental Statement.
- Concerns with the Visual Effects Matrix.
- Environmental Statement matrix contrived to suit the purposes of the assessment.
- Concern with the selection and positioning of viewpoints (3, 8, 9, 11 and 14).
- No viewpoints for core paths.
- Photography lacks contrast in some of the photographs (3, 4, 5, 8, 10, 12, 14 and 16).
- Impact on residential properties has been omitted.
- Impact on Water Supply.
- Impact on existing hydro scheme at Monzie.
- The turbines create a micro climate.
- Concerns with ice throw.

- Impact on peat bog.
- Impact on Agriculture.
- Light pollution.
- Loss of trees and impacts on bats.
- Concerns with the information contained within the socio-economic assessment.

These issues of support and concern are addressed in the planning appraisal section of this report.

## ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Undertaken
Environmental Impact Assessment	Yes
Appropriate Assessment	Not required
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Transport Assessment, Flood Risk Assessment and Drainage Strategy submitted

## APPRAISAL

### Policy Appraisal

- 102 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 consists of the TAYplan 2012 and the Strathearn Area Local Plan 2001. The Perth and Kinross Council Local Development Plan – Proposed Plan January 2012 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.
- 103 Policy 6 of the TAYplan relates to the aim of 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. Policy 11 of the Strathearn Area Local Plan 2001 (SALP) sets out the main criterion that requires to be taken into account in the assessment of renewable energy developments, Policy ER1A (a material consideration) sets out the Councils updated position which is contained within the Proposed Local Development Plan 2012 (PLDP).
- 104 Although the policy position is generally supportive of renewable energy schemes this is subject to a number of criteria being satisfied. While renewable energy schemes may meet some environmental requirements and not others an overall judgement has to be made on the weight to be given to the ‘positives’ and ‘negatives’ which will determine whether it is environmentally acceptable.

Any significant adverse effects on local environmental quality must be outweighed by the proposals energy contribution.

### **Environmental Impact Assessment**

- 105 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 106 In appraising this planning proposal I have taken into account the information contained in the ES and the comments received from consultation bodies about environmental issues. Particular consideration has been given to the mitigation measures which are proposed through the ES which have been designed to limit the negative environmental effects of development. However, as will be noted in the assessments below there are concerns that some impacts are not capable of mitigation.

### **Alternatives**

- 107 Consideration of alternatives (including alternative sites) is widely regarded as good practice, and results in a more robust application for planning permission. PAN Guidance identifies that ideally EIA should start at the stage of site and process selection so that the environmental merits of practicable alternatives can be properly considered.
- 108 The submitted ES records that a Strategic Site Selection has already been undertaken. This resulted in analysis of a wide range of technical and environmental criteria, which resulted in the twenty four turbine scheme at Abercairney coming forward in 2003. That scheme was refused at Public Local Inquiry (PLI) in 2006. The applicant has confirmed that this scheme seeks to address the concerns expressed at the PLI and focuses on a scaled down version of the Abercairney consisting of the middle group of turbines.
- 109 The agent advises that the EIA process has re-evaluated that suitability of the scaled down scheme and refers to the content contained within their 'Design and Access Statement'. This places great weight on the history and work undertaken for the Abercairney proposal with the considerations of alternatives limited to matters of design and layout.

### **Environmental and Economic Benefits**

- 110 The submitted Environmental Statement indicates that the proposed 22.5 MW windfarm could generate an annual electricity output of 59,000 MW hours which is equivalent of energy used annually by approximately 12,500 average households. This results in a saving of 25,000 tonnes of CO<sub>2</sub> when compared to energy generation by conventional fossil-fuel mix in the UK and would make

a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020. It would also assist one of the aims of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the Region through a reduction in fossil fuels.

- 111 The general economic benefits associated with wind farms are detailed in the applicant's submission although they have not been quantified. However it is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local and regional economy of some substance as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc for the duration of the construction period.
- 112 Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy. However, those same objectives indicate that achieving *sustainable economic growth* in Scotland requires a planning system that can deliver growth enhancing activities in a manner which protects and enhances the quality of the natural and built environment as an asset for that growth. Environmental protection can therefore be seen as a key measure of *sustainable economic growth*. Taking this into account the green energy contribution, pollution reductions and economic benefits of the development have to be balanced against the potential significant adverse effects on local environmental quality which is assessed later in this appraisal.

### **Landscape and Visual Impact**

- 113 Policy 11 of the Strathearn Area Local Plan 2001 (SALP) is one of the key development plan policies in the determination of this renewable energy application. Criterion contained within the policy seeks to safeguard the intrinsic landscape quality of the area and protect loss of amenity to neighbouring properties. There is a further requirement through Policies 02 and 03 of the SALP as well as Policy ER6 of the PLDP to take account of the landscape.

### **Impact on Landscape Character**

- 114 The proposed site is a component of the Highland Boundary Fault separating the lowlands of Strathearn; to the south; with the upland landscape of Highland Perthshire; to the north. This landscape is identified as being part of the Highland Summits and Plateaux landscape character area as described in SNH Tayside Landscape Character Assessment (TLCA) 1999.
- 115 The applicant describes the landscape character sensitivity of the proposed site as being of Medium sensitivity owing to having '*weakened characteristics*' relating to wilderness and remoteness and not being designated in landscape terms at local or national level. They argue that the landscape character assessment demonstrates characteristics that indicate some capacity for wind farm development: '*large scale landform, and low density settlement*'. Whilst the wider 'highlands' form a large scale backdrop to the development.

- 116 In SNH's objection to the proposal they confirm that the distinction between the lowlands and Highlands of Scotland features strongly in Scottish cultural identity. In their opinion, the dramatic and pronounced linear ridge formed by this part of the Highland boundary fault line contributes to the distinctiveness of Scotland's landscape because it marks a clear physical expression of the transition between the lowland landscapes to the south and the upland landscapes of the Scottish Highlands to the north.
- 117 This contrast in landscape character enhances the visual experience and appreciation of the transition from many viewpoints to the south. It also features strongly in the sense of anticipation and arrival in the Highlands of Scotland for road users in the area, including the A822 National Tourist Route travelling through the pass in the ridge to and from the Sma'Glen. Their view is that the proposal would significantly detract from the distinctive transitional landscape created by this part of the Highland boundary fault line, including its setting and people's views and appreciation of it.
- 118 The Council's Landscape Officer's view is that the applicant has failed to recognise the importance of the Highland Boundary Fault (HBF) which marks the stark transition from Lowland and Highland landscape. This geological feature is recognised as a 'landmark landscape feature' by PKC and SNH, with the importance of this feature being referred to at the Public Local Inquiry for the Abercairney scheme. Therefore, as a landscape component set within the context of the HBF, the site is considered to be of High Sensitivity to change as identified in the *Supplementary Planning Guidance for Wind Energy Proposals in Perth and Kinross* (2005) (SPG) documents prepared by David Tyldesley Associates.
- 119 The sensitivity of this landscape is also detailed in The SNH Tayside Landscape Character Assessment. This states that tall structures such as aerials, masts or wind turbines or additional pylons should be discouraged on the basis of their likely impact on the harsh, undeveloped character of the Highland Summits and Plateaux in order to '*conserve the characteristic upland landscape of open, unsettled moorland vegetation and to maintain the contrast with the more settled and wooded glens and lowlands.*' The applicant justifies the location of the proposed wind farm by stating that existing masts and pylons are already present within this LCA, however unlike wind turbines these elements are generally 'low key' and small in scale when compared to the wider landscape. It should also be noted that pylons and masts are static in the landscape, generally constructed of lattice metal work and painted with muted colours which reduce their visual prominence. Whereas the light grey/white colouring of wind turbines combined with the movement of blades would contrast with the existing sense of stillness and would be visible with the naked eye over a wide area therefore making them visually dominant in comparison to existing masts and pylons(proposed pylons) in the landscape.
- 120 The applicant also fails to describe the full impact of the proposed site on the Highland Glens: Upper Strathearn LCA in the vicinity of the proposed site. From analysis of the viewpoint/residential data and site visit it is assessed that the proposed development would produce a High magnitude of change on

Highland Glens LCA in the vicinity of Foulford Inn and 3-5km section of the A822 tourist route. This level of magnitude would lead to a significant effect on the landscape character and experience on the approach to the Sma' Glen.

- 121 While the landscape character of the Sma' Glen itself is not affected by the proposed development, nevertheless, the sequential and transitional experience of the landscape character on the journey from lowland, through the 'pass' and into the highland landscape would be significantly compromised by the introduction of the windfarm. The turbines would appear dominant in the landscape on the journey between Gilmerton and the Sma' Glen.
- 122 In SNH's objection to the proposal they confirm that the distinction between the lowlands and Highlands of Scotland features strongly in Scottish cultural identity. In their opinion, the dramatic and pronounced linear ridge formed by this part of the Highland boundary fault line contributes to the distinctiveness of Scotland's landscape because it marks a clear physical expression of the transition between the lowland landscapes to the south and the upland landscapes of the Scottish Highlands to the north.
- 123 This contrast in landscape character enhances the visual experience and appreciation of the transition from many viewpoints to the south. It also features strongly in the sense of anticipation and arrival in the Highlands of Scotland for road users in the area, including the A822 National Tourist Route travelling through the pass in the ridge to and from the Sma' Glen. Their view is that the proposal would significantly detract from the distinctive transitional landscape created by this part of the Highland boundary fault line, including its setting and people's views and appreciation of it.

**Visual Impact:**

- 124 The Zone of Theoretical Visibility (ZTV) demonstrates the theoretical visibility of the proposed wind farm at blade tip over the surrounding landscape. It generally shows the visibility being limited to the north and relatively extensive to the south of the proposed site. This is due to the location of the wind farm on the HBF where views from the north are screened by the intervening landscape. Whilst, the HBF forms a distinct backdrop to the lowland landscape associated with Strathearn.
- 125 The ZTV and viewpoint analysis shows that the most significant effects would occur within 3.3km of the site where the local topography generally contains the close range views. Views are most likely to occur for residents at a small number of individual properties, road users/tourists on the A822 and walkers on core path ESTN/131, other routes and nearby hill tops including Meall Tarsuinn, Meallneveron, The Scurran and Milquhanzie Hill. The LVIA states that significant visual effects would occur at Foulford Hotel (Vpt 1), A822 (Vpt 2) and Cuilt Farm (Vpt 3).
- 126 At distances between 3.3km - 6km the ZTV shows a more scattered and fragmented pattern of visibility where local and intervening topography partially screen views. At this range, views are likely to occur around the periphery of

Crieff, The Knock of Crieff, B8063 in Glen Almond and summits of local hills including Meall Reamhar. The LVIA states that visual effects in this zone are unlikely to be significant as shown for viewpoints at Glen Almond House, Knock of Crieff, Stone Circle at Fowlis Wester, Loch Meallbroddon, Glen Almond and Ochertyre.

- 127 The LVIA states that visual impacts at this range are unlikely to be significant and are categorised to be of Slight to Negligible. However, the methodology used in the LVIA is based on the guidance given in SPG Guideline 2, which through the Council's Landscape Architect's experience has proven to underplay the full extent of visual effects.
- 128 Through site visits, analysis of viewpoint data and using Table 18 from SNH's '*Visual Assessment of Windfarms: Best Practice (2002)*' it is believed that the proposed wind farm would still form a *conspicuous* element in the landscape at a range up to 6km even though views are intermittent and partially screened by intervening vegetation and topography. For example, the view from Glen Almond (vpt 8) shows that 3 upper towers and hubs, 2 hubs and blades and 4 blade tips would be visible. Although the full wind farm is not visible in this view, the turbines and moving blades would add a new large scale and industrial element into the landscape which contrasts with the quiet stillness of the rural scene. Therefore, a medium magnitude of change (Conspicuous change) combined with a receptor of medium sensitivity (road) would give rise to a moderate effect. Although this may not give rise to a significant effect, it does however demonstrate that a heightened visual effect could occur at this location.
- 129 Likewise, the proposed development is assessed as having a Slight visual affect on views from the Knock (vpt 5). However, where views are obtainable on the north eastern slope of the hill; vpt 5 (approximately 200-300m from the summit); all 9 turbines may be partially visible through intervening tree cover especially in winter when the tall larch trees in the centre of the visualisation have shed their needles. Therefore, given the distance from the proposed wind farm combined with the local screening and the high sensitivity of the receptor I would assess the visual effect at this location as being Moderate.
- 130 From longer range distances, such as from Auchterarder and Muthill (11-16km to the south of the proposed wind farm), would see the development in the context of the wider landscape, where it would be clearly visible below the northern skyline and backed by the HBF and Highlands. From this range the proposed wind farm would have a similar visibility as Drumderg when seen from sections of the A93 and A94 near Guildtown and Balbeggie. At this range turbine movement would be clearly discernable and the full extent of the wind farm may be visible and become a focal point in the landscape. For receptors of High sensitivity, such as residential properties at Muthill, the visual effect is potentially significant when consideration of SNH's Table 18 is taken into account.
- 131 In conclusion, the applicants assessment of the visual effect of the wind farm does not fully reflect the realistic visual effect of the development in the

surrounding landscape given the prominence of the proposed wind farm in the landscape. It cannot be over emphasised that the landscape and associated important views from the A822 and other roads in the area form the basis of the local tourism industry and it is essential that their importance is not misrepresented.

### **Residential Impact:**

- 132 The LVIA states that significant visual effects arising from the proposed development are likely to occur up to a distance of 3.3km from the site. However, the residential study only takes into account properties up to 2.02km from the nearest turbines and excludes properties between 2.02 and 3.3km from the site. For example, the property called Fendoch is located outwith the residential study area by approximately 200-250m and has not been included in the assessment even though significant visual effects may be obtained. Therefore the residential study should be considered as inconclusive.
- 133 It should also be noted that the 2.02km originates from SPG Guideline 2 where it states that *'a commercial or community wind farm, cluster or turbine is unlikely to be acceptable within 20 times the height to blade tip of: houses and settlements, locally prominent landforms...'* etc.
- 134 Settlements within 10km of the proposed site have been assessed and include; Monzie, Gilmerton, Hosh, Crieff, Fowlis Wester, New Fowlis, Harrietfield and St David's. It has been considered that there will be Slight to Negligible visual affects arising from the proposed wind farm given the screening effect from intervening topography, vegetation and buildings. However, other settlements within the study area at distances over 10km from the proposed site, such as; Greenloaning, Blackford, Dunning and Bridge of Earn; are not mentioned in the assessment. Given their proximity to other wind farms in the area is possible that significant cumulative affects on settlements have not been identified in the LVIA.

### **Cumulative Impact:**

- 135 The approval and construction of the Calliachar and Griffin wind farms has introduced considerable wind farm development into Highland Perthshire to the north of Mull Hill. Braes of Doune wind farm lies at some distance to the south-west in the administrative area of Stirling and is visible throughout much of central and western Strathearn. Mull Hill lies between the developments at Calliachar and Griffin to the north and the wind farms in the Ochil Hills to the south. The acceptability of further landscape change within Perth and Kinross in relation to wind energy development is dependent upon the appropriate spatial arrangement of separate proposals, their proposed scale and layout and their detailed impacts.
- 136 The CLVIA states that the most significant cumulative effects associated with Mull hill occur within 3.3km of the proposed site and also from the top of Ben Cleugh. At other locations the LVIA shows Mull Hill as having slight and



negligible cumulative effects owing to the fact that the site is orientated in a different view direction from other cumulative wind development proposals.

- 137 The assessment does not take into account the sensation of being surrounded by wind developments in the landscape. This is demonstrated in the cumulative ZTVs where the visibility of Mull Hill (to the north) combines with Braes of Doune (to the south west), Bunfoot Hill, Greenknowes, Lochelbank, Standing Fauld (to the south), Griffin (to the north), East Gormack (to the north east) are all potentially visible over extensive areas of Strathearn. The inclusion of Mull Hill adds a very conspicuous wind development in views to the north and is visible up to a distance of 25km to the south. Whereas at present there are potentially very limited views of Griffin wind farm on the northern skyline at distances over 20km. This effect is likely to most apparent at the settlements of Auchterarder, Aberuthven, Muthill which would be approximately equidistant from Mull Hill, Braes of Doune, Burnfoothill, and Greenknowes wind farms.
- 138 The cumulative assessment also does not include the existing wind development at Drumderg, consented Welton of Creuchies or the planning application for Bamff (now refused) and Ardlebank wind farms which are located to the north of Blairgowrie. Although a wind development at East Gormock, near Blairgowrie, has been included in the assessment, the LVIA states that Drumderg and Welton of Creuchies are excluded from the CLVIA as they are deemed '*physically and visually remote*'. However, given the inclusion of East Gormock and the extensive visibility of Drumderg and/or combined with other consented/application wind developments and their location on the eastern section of the HBF they should be included in the cumulative assessment. In particular, the cumulative effect of wind farm/clusters on the landscape character of the HBF and long range views of this important landscape feature should be taken into consideration. Beaully Denny overhead line should also be included in the cumulative assessment as they would be seen alongside the proposed wind farm, limited information has been provided on this aspect.
- 139 SNH consider that for users of the main roads and tourist routes through Perth and Kinross – (including the A9, A85, A822 and A823 together with the extensive network of minor roads throughout Strathearn) the introduction of the proposal on Mull Hill would result in Strathearn appearing to be 'encircled' by wind farm development at differing distances, It would also add significantly to the complexity of views of wind farms throughout the area. It further considers that this area of Perth and Kinross does not have capacity to accept another wind farm development without the intrinsic landscape and visual characteristics of the area being significantly changed. Although the cumulative impact of the Mull Hill wind farm with Griffin would result in only a short section of the A822 through the Sma' Glen having any theoretical visibility of turbines, the impact on the landscape perception of users of this important tourist route could be considerably diminished. Although there would be no locations within the Glen where both wind farms would be seen simultaneously, there would be a sequential impact of viewing separate wind farm development in close proximity.

- 140 Overall Mull Hill would “fill the gap” between the windfarms in Highland Perthshire to the North and the Ochill Hill Windfarms to the South resulting in adverse cumulative and sequential impacts.

### **Windfarm Layout**

- 141 The turbine layout appears simple and symmetrical on plan and effectively mirrors the central grouping from the original Abercairny proposal.
- 142 SNH consider the design of the wind farm to be inappropriate. The layout has not followed the best practice guidance set out in the SNH publication “Siting and designing Windfarms in the Landscape” (specifically paragraphs 3.24, 4.25 and 4.26). The proposal is to place a rigid, geometric grid of turbines onto a broad, rounded ridge of variable topography. Each turbine base would be located at a different base level on the site. The vertical variation between base levels is as much as 70m, which is over 2/3rds of the overall height of the proposed turbines themselves. As a result the proposal would fail to achieve a visually balanced, simple and consistent image when viewed from a range of the selected viewpoints. The claim that the appearance of the proposed wind farm from a range of viewpoints has been mitigated by a design approach is not supported by the visual information presented, resulting in a general underplaying of the likely visual impacts. Instead SNH consider that this would result in a visually confusing, cluttered, complex image and identity in relation to its site and its surroundings. This would emphasise its landscape and visual impacts and detract from the landscape and visual amenity of this area.
- 143 The Council’s Landscape Officer confirms that at close range and up to 3km the composition is appears generally coherent in the landscape, however the visualisations for viewpoints at greater distances show overlapping and fragmented compositions which appear cluttered, discordant and distract from the existing view. Viewpoints where this occurs include: Viewpoints 10, 11, 13 - 15, 18 – 20 and 23. This demonstrates that the design of the layout does not conform to principals set out in SNH’s ‘Siting and designing of windfarms in the Landscape’.
- 144 While the applicant’s Design and Access Statement states that ‘visibility of the access road is likely to be minimal’. It is considered viewpoints 1 and 2 contradict the applicant’s claim. The track and its associated earthworks would be a very visible element of the winfarm especially to the users of the Perthshire Tourist Route (A822) in the approach to the Sma’ Glen.

### **Quality of visualisations and images**

- 145 Concern about the quality of the submission is contained within objections. The planning authority agrees that some of the photography lacks clarity and sharpness, in particular vpt 4 where the hill and ridgeline are obscured by low cloud. The Cumulative Zone of Theoretical Visibility also lacks clarity at A3. Notwithstanding these concerns I consider the submitted information provides sufficient information to confirm the application is unacceptable.

## **Impact on Natural Heritage**

- 146 The Habitats Directive is a major contribution by the European Community to implementing the Biodiversity Convention agreed by more than 150 countries at the 1992 Rio Earth Summit. As well as establishing Natura 2000 areas, the Directive has a number of wider implications, such as those relating to European Protected Species.
- 147 The Habitats Directive sets out an obligation on Member States in relation to taking appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated. The Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications in view of the site's conservation objectives.

## **River Tay Special Area of Conservation**

- 148 Whilst the watercourses within/adjacent to the proposed development site are not themselves designated, they are directly connected to the River Tay Special Area of Conservation (SAC) designated for the qualifying interests Atlantic salmon, brook, river and sea lamprey, otter and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels.
- 149 SNH have been consulted and they consider that the proposal is likely to have a significant effect on the qualifying interests of the site through the potential release of sediment into the watercourses during construction. However they consider works could be undertaken with mitigation measures included as a condition of the consent which would result in the significant effect being avoided and an appropriate assessment not being required.

## **Connachan Marsh Site of Special Scientific Interest (SSSI)**

- 150 Connachan Marsh Site of Special Scientific Interest (SSSI) is located within the proposed development site. It is notified for its raised bog feature. SNH consider that there is unlikely to be any indirect effects given the distance from the proposed development infrastructure and the feature, furthermore a drain on the northern boundary of Connachan Marsh provides some degree of barrier between the SSSI and the proposed development. They advise that protection could also be built in through general mitigation/pollution prevention measures for this site by securing a Construction Management Statement (CMS) by condition.

## **Ornithology**

- 151 Golden Eagle

Golden eagles are known to nest within theoretical foraging distance of the proposed development. This territory is within the Breadalbane Natural

Heritage Zone within which golden eagle is currently in unfavourable conservation status as a result of poor adult/subadult survival. These birds are valuable because of:

- their position at the edge of golden eagle range in Perthshire's southern highlands and consequently the species' distribution across Scotland; and
- when breeding has been successful the pair has proved to be unusually productive by producing 2 chicks.

SNH had advised in their first consultation response that the applicant had provided insufficient information on Golden Eagles to enable them to provide an adequate response on the potential impacts this development may have on this species and consequently objected. However the agent provided further information in February 2013 which resulted in SHN withdrawing their objection on this ground. Similarly the RSPB's objection on this ground is also withdrawn.

#### 152 Red Kite

The submitted ES identifies that for red kite the proposed development will result in predicted collision mortality of 0.32 birds per year (one bird approximately every 3 years). SNH note that the RSPB have a lead role in the Scottish red kite reintroduction programme and a therefore content to rely on their judgement and advice in respect of this important issue.

RSPB have raised strong concerns about a development in this area. In their response they state that the information presented in *Appendix 8.1 of the submission does not conform to SNH's recommendation for survey work and does not follow the RSPB's recommendations of 8<sup>th</sup> November 2011. Accordingly the RSPB believe that the conclusions regarding collision risk based solely on the 2010 breeding season are unreliable and may be an underestimate.*

#### 153 Short-eared owl

The submitted ES identifies that for short-eared owl the proposed development will result in a predicted collision mortality of 0.25 birds per year (one bird every 4 years). While the vantage point watch survey falls short of that recommended, SNH do not consider that this level of predicted mortality will affect the Favourable Conservation Status of short eared owl. They confirm that the mitigation for potential disturbance of nesting birds as detailed in paragraph 8.7.3 of the submitted ES be secured.

#### 154 Black grouse

The proposed development site and the wider Abercairny Estate holds a large number of black grouse (16 lekking (displaying) males within the site and a further 31 males reported elsewhere on the estate). It is likely that there may be some displacement of some of these birds as two leks (areas where males display) in particular are located within the core wind farm area. Given this potential for displacement and the importance of the site/estate for black

grouse, SNH advises that if the Council is minded to approve this application mitigation should be secured through a Habitat Management Plan and measures detailed in the submitted ES (paragraphs 8.7.1 and 8.7.4 to 8.7.6).

#### 155 Breeding waders

The submitted ES identifies that a relatively large number of waders breed within the proposed development site, including curlew (17 pairs) and lapwing (8 pairs). It is also possible that golden plover (potentially 3 pairs) may have bred near the site. All of these species are protected and/or birds of conservation concern and may be displaced to some extent by the proposed development (curlew is a species known to be especially sensitive to disturbance effects). To mitigate for these effects, SNH advise that a Habitat Management Plan should be agreed to secure the implementation of habitat management measures that will benefit breeding wader species if the Council is minded to approve the application.

#### **Protected species**

#### 156 Otter, bat, water vole and badger surveys covered the 'core development area' and the route of the access track plus a 250 metre buffer.

In respect of otter, if the proposed mitigation measures detailed at paragraph 7.8.12 of the submitted ES are implemented it is considered that the proposed development will not have a significant effect on this species.

The proposed development is unlikely to have any significant effect on bats given the low collision risk of the species found to be present and the generally low quality of the habitats on site for bats. Mitigation for potential effects are proposed at paragraph 7.8.11 of the submitted ES and this could be secured by condition if the application is approved.

No signs of water vole or badger are identified on site.

#### **Hydrology, Hydrogeology and Ground Conditions**

#### 157 Construction of the wind farm would involve activities that have the potential to affect the geology, hydrogeology and surface water hydrology at both construction and de-commissioning phases. The ES examines the direct impacts of development on these issues.

#### **Flooding**

#### 158 Due to the location of the wind farm on the slopes of Mull Hill, the development may be at risk from overland surface runoff as well as impacting on surface runoff pathways. Chapter 13 in the ES presents mitigation options designed to reduce the impact of the development on surface runoff pathways and limit the risk of surface runoff to the site. This can be secured by condition.

- 159 SEPA confirms that it has no objection to the proposed development on flood risk grounds. Any flood risk issues with regards to the new access roads and associated culverting of watercourses will be addressed by SEPA at the CAR stage and direct the applicant to “Good Practice during Windfarm Construction”.
- 160 Consequently it is considered that conditional control would comply with Policy 2 of the TAYplan which seeks climate resilience to be built into the natural and built environment.

### **Peat and disruption to wetlands**

- 161 SEPA’s initial consultation response highlighted concern that the development could have potential impacts on peat and ground water dependent terrestrial ecosystems (GWDTEs) which had not been clearly addressed and minimised in the Environmental Statement and resulted in a formal objection.
- 162 Following the submission of a Peat Review Summary which included a peat contour plan showing the location of the peat probes SEPA were able to withdraw their objection on this ground but confirmed that a method statement including proposals for waste peat must be provided as part of the CEMP.
- 163 With regards to the (GWDTEs) a National Vegetation Classification (NVC) Survey was submitted in support of the application in February 2013. The NVC report concludes that it should be possible to micro-sit infrastructure to minimise any impacts on GWDTE. SEPA confirmed that micro-siting infrastructure across the whole site should be detailed with the Construction Environmental Management Plan (CEMP) and this would remove their objection.

### **Pollution prevention, Environmental Management and Private Water Supplies**

- 164 During construction, operation and decommissioning of the proposed Development the agent has confirmed that a number of established good practice measures will be put in place to control surface and ground water pollution and manage surface water run-off/drainage. These are designed to ensure the protection of the surface water, geological and hydrogeological regimes.
- 165 The principal risk to water supplies is during the construction. While contamination of water supplies is a private legal issue, I consider it only reasonable to ensure the safeguarding of water quality and water supplies thereby ensuring the amenity of residential and commercial premises are protected.
- 166 SEPA do not raise objection to the proposals provided that conditions are included as part of any planning approval to deliver a full site specific Construction Environmental Management Plan (CEMP) incorporating a Construction Method Statement (CMS), Site Waste Management Plan (SWMP) and Drainage Management Plan (DMP).

- 167 Taking this into account it is considered that the sensitive water resources (Monzie Hydro-electric Scheme, private water supplies and the public water supply) could be adequately protected by conditional control.

## **Impact on Cultural Heritage**

### **Scheduled Ancient Monuments**

- 168 Policy 23 of the SALP and policy HE1A of the PLDP protects Scheduled Ancient monuments (SAMs) from damage to the site and integrity of the setting. The proposal would not result in damage to the site of any scheduled ancient monument however the proposal has implications for the setting of SAMs.

- SM 1569 standing stone 600m ESE of Monzie Castle
- SM 1568 stone circle and cup & ring marked stone 850m ESE of Monzie Castle

- 169 Consultation with Historic Scotland confirms they agree with the conclusions reached in the ES that the likely impact of the proposed 9 turbines on the settings of these monuments will be slight.

### **Listed Buildings**

- 170 While the word setting is not defined in planning legislation Historic Scotland's guidance on this matter confirms that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times that the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or out with the curtilage. In this rural location I consider the appropriate factors to take into account are the principal views either of or from the listed buildings.

#### **Connachan Lodge**

- 171 Historic Scotland (HS) confirms that the wireframe from Connachan Lodge a Category A listed building shows the nearest turbine (No 9) to be prominent on the skyline with full blades and upper part of column visible. The upper parts and most of the blades of two other turbines would also be prominent, but lower, on the skyline. In this regard the turbines would be likely to have an adverse visual impact on the localised setting of the Lodge, appearing on the skyline in northerly/uphill views of the Lodge, notably from it's footbridge, immediate adjoining hillside, and possibly in oblique views from the Lodge's veranda. HS does not object to the proposal as they do not consider the impact would raise issues of national significance however they advise that the Council may wish to consider the possibility of seeking a reduction of these impacts by deletion or relocation of the three most prominent turbines.

#### **Monzie Castle**

- 172 From Monzie Castle three turbines will be partly visible from the principal rooms of the castle, through the trees; therefore existing views will be altered. The ES

seems to suggest that three turbines at best will be glimpsed from locations in the parkland and while this may be true, it is important to note the impact from and to the A-listed castle itself not just the GDL. Historic Scotland disagree that with the conclusion reached in the assessment in the ES for Monzie Castle and consider the impact to be more than slight.

Historic Scotland confirms that the impact of the turbines will be limited to the periphery of the main views out; they will be glimpsed through the trees on a varied skyline but will not disrupt any formal axial landscape views. They are content that the proposals impact is not sufficient enough to warrant an objection but advise that consideration could be given to relocating and reducing the visibility of these turbines from the principal views.

Consultation with the Council's Conservation Officer has been undertaken on assets that do not fall within Historic Scotland's remit. The response confirms that the appropriate historic environment receptors have been identified and assessed. It is considered no significant adverse visual impact will occur.

Overall it is considered that the proposal would not comply with Policy 27 of the SALP and policy HE1A of the PLDP as there would be an impact on the setting of A listed buildings. While these impacts could be reduced by deletion and or re-siting of the turbines as discussed in Historic Scotland's response I also note that they do not formally object to the proposal. Taking this into account the weight I can attach to this breach in policy has to be weighed against the benefits of the renewable energy scheme and this weighing up shall be undertaken in the Conclusions and Reasons for Recommendation section of the report.

### **Historic Gardens and Designed Landscapes**

- 173 An Inventory of Gardens and Designed Landscapes of national importance is compiled by Historic Scotland. Planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes included in the current Inventory and gardens and designed landscapes of regional and local importance. Relevant policies are included in the development plans to ensure the effect of developments on a garden or designed landscape are considered in the determination of planning applications.

#### **Monzie Castle Garden and Designed Landscape**

- 174 The Garden and Designed Landscape (GDL) of Monzie Castle is located 2km North of Crieff. The inventory confirms the GDL is an 18th-century picturesque landscape overlaying an earlier more formal layout with a modified mid 19th-century revival formal garden attached to the tower house, and what is likely to be an early 18th-century mound.
- 175 Historic Scotland considers that the ES significantly underestimates the impact of the introduction of turbines into the 'borrowed' landscape, the backdrop to views from various parts of the Monzie Castle GDL. Historic Scotland considers the impact to be moderate. Whilst this impact is not of a magnitude to warrant



objection, they note that it could be significantly reduced by removing several turbines from the ridgeline of Mull Hill.

#### Abercairny Garden and Designed Landscape

- 176 This is situated on the north side of Strathearn, 5km east of the town of Crieff. The A85 forms the north boundary of the policies from which the landscape slopes south to the broad flat plain of the River Earn. Panoramic views can be gained north to the Grampian Hills and south to the Ochil Hills. The heights of Milquhanzie contain views from much of the designed landscape to the north towards the proposed development site. The proposed turbines would be visible at a distance of 7km to 8km from some parts of the south and west of the GDL. In this case Historic Scotland are content that the proposed development will not affect the understanding or erode the character of the GDL and that the visual impact on views will be minimal.

#### Ochertyre Garden and Designed Landscape

- 177 Ochertyre is situated on the north side of Strathearn, 3km north-west of the town of Crieff. The house, with woodland backdrop and parkland setting, is a significant scenic feature from the A85 which forms the south boundary of the designed landscape. Behind the house, the mountains rise to a height of over 900m containing views from much of the designed landscape to the north-east towards the proposed development site. The principal panoramic views from the house are across Strathearn to the Ochil and Lomond Hills to the south and east, and west to Ben More, Ben Ledi and Ben Vorlich. Ochertyre GDL is situated about 5km south-west of the proposed development site. The full turbine of the three most southerly turbines would be visible at a distance of 5.5km, as shown on Viewpoint 9 from Granite Lodge, located at the south-east corner of Ochertyre GDL. Located in their current position, these three turbines will have an impact on the setting of Ochertyre GDL. However, Historic Scotland is of the view that the magnitude of impact is not such that they would wish to object.

#### **Unscheduled Archaeology**

- 178 The proposed development site contains several archaeological sites, including cairns and cup and ring mark stones, and there is potential that further archaeological sites survive within the development area. While the proposed development avoids most known archaeological sites some sites will be directly impacted by the development, including a section of General Wade's Road and agricultural clearance cairns.
- 179 If planning permission is granted PKHT recommended that the mitigation strategy outlined in the EIA is refined in consultation with them. Mitigation measures should include preservation by record and archaeological monitoring. Temporary fencing may be required to be erected during the construction period to make vulnerable known archaeological monuments highly visible and to avoid accidental damage to the sites.

## **Noise**

- 180 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 181 Consultation with the Council's Noise Consultant Dick Bowler confirms that the proposal meets the ETSU-R-97 day time limit with the lower limit set at 35dB and it meets the night time limit with the lower limit set at 36dB or above. It also meets the ETSU-R-97 combined day and night limit where the night and quiet day data are processed together and the lower limit is 35dB. He advises that loss of amenity at some of the Connachan Farm Cottages will occur at night in a quite limited range of wind speed and direction. Otherwise there will be no more than a marginal loss of amenity at some properties. Should the Council approve the application, then in order to ensure that the impact on amenity is not higher than predicted in the ES the turbine noise levels should not exceed the average of the quiet day and night background noise plus 5dB or 35dB whichever is the higher.

In this case noise could be controlled through the use of a planning condition.

## **Shadow Flicker**

- 182 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. In this case there are no properties located where shadow flicker would occur.

## **Construction Traffic Events**

- 183 During construction, turbine components and material required for construction of the windfarm will be delivered to site. Some materials will be transported by heavy goods vehicles (HGVs). Turbine components need to be transported on vehicles capable of carrying 'abnormal loads' (vehicles longer than 17m and/or wider than 4m).
- 184 The applicant has taken account of the local transport infrastructure and existing traffic condition as part of the assessment of effects for the proposed windfarm in Chapter 11 of the Environmental Statement. Consideration has been given to the potential site access routes, particularly for access by abnormal loads. The effects generated by traffic during construction, operation and decommissioning have also been assessed.

- 185 The proposed site is to be accessed from the A85 (T) at Milton of Abercairney where the Beaully Denny OHL access track would be utilised. It should be noted that this element of the access track already has consent. Abnormal Loads from the M90 would also use these access arrangements. The ES shows that the main transportation effects are predicted to occur between the first month of the construction programme based on the importation of road stone and the month preceding civil construction based on borrow pit sourced road stone. The applicant suggests that traffic and transport effects could be reduced through the implementation of a Traffic Management Plan.
- 186 The Council's Transport Planner has been consulted and offers no objection subject to conditional control. Transport Scotland has stated that there will be a minimal increase in traffic on the trunk road and offer no objection.

### **Aviation Electromagnetic Interference and Utilities**

- 187 Wind turbines have been shown 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.
- 188 The Ministry of Defence confirm that maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "false" aircraft displayed on the radar leads to increased workload for both controllers and aircrews, and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by the turbine's radar returns, making the tracking of conflicting unknown aircraft (the controllers' own traffic) much more difficult.
- 189 The MOD has undertaken an assessment which confirms they have no objection to the proposal subject to conditional control.
- 190 The applicant has confirmed that they have consulted telecommunications and infrastructure consultees and they advise that no effects are predicted. If homes experience interference to television reception as a result of operation of the development the agent has advised that this could be mitigated through a technical mitigation solution and this matter could be controlled by condition.
- 191 The applicant is aware that Scottish Water has assets running through the site. Scottish Water has been consulted on the application and they have offered no objection to the proposal.

## **Public Access**

- 192 Consultation with the Council's Public Access officer confirms that any temporary closure which may become necessary for health & safety reasons must be approved in advance by Perth & Kinross Council which should include details of the proposed diversion, a signage plan showing text and location of signs, and the times and dates when any temporary closure will apply. They note that following completion of the works the right of way should be reinstated.

## **Decommission and reinstatement**

- 193 At the end of the wind farm's operational life (anticipated 25 years), the process of decommission and site reinstatement will commence which will primarily include the removal of infrastructure. This matter can be controlled by condition to ensure that this process is carried out in an acceptable manner.

## **LEGAL AGREEMENTS**

- 194 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 195 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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**

- 196 Section 25 of the Act requires the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 197 The assessment above has taken account of the development plan and where necessary provided weight to material considerations. It acknowledges that the proposal would make a contribution to the provision of energy from renewable resources, with a consequential reduction in CO2 emissions. An element of economic benefit during construction, operation and decommissioning would occur however these benefits have to be offset against the presence of the windfarm. While Abercairney Estate have provided details on how revenue from the proposed scheme could be reinvested into diversification projects in support of the application there is no binding method before me to ensure this is delivered, therefore little weight is attached to this factor.
- 198 With regards to wildlife a series of mitigation measures are detailed by the applicant and SNH offers no objection on wildlife matters. The RSPB do not formally object but they still have reservations and provide commentary on mitigation measures that could be secured. In light of this there are no

overriding problems that would warrant refusal on this ground. While Historic Scotland has not objected, the proposal is considered to adversely affect features of historic and architectural interest.

- 199 It is clear that the primary intention of both the Development Plan and national policies is to direct wind farm developments to sites where they will not have a significant adverse impact on landscape character or the visual amenity of an area. For the reasons set out in this report it is considered that there would be significant landscape harm arising from the siting of this proposal.
- 200 Whilst current Government Guidance (SPP) incorporates a broad commitment to increase the amount of electricity generated from renewable sources as a vital part of the response to climate change, in this instance it is considered that the energy contribution of the 9 turbines would not outweigh significant adverse effects on local environmental quality. Accordingly the proposal would not accord with the Development Plan; the Council's SPG on Wind Farms or National Guidance and the application is recommended for refusal.

## **RECOMMENDATION**

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

- 1 Through the siting, size of the proposed turbines, prominence and visual association with existing and approved windfarms within the locality, the proposals would have a major adverse impact on existing landscape character and visual amenity. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012; and Policies 1, 2, 3, 5 and 11 of the Strathearn Area Local Plan 2001 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
- 2 The siting, size of turbines, prominence and visual association with existing and approved windfarms within the locality the proposals would have a major adverse cumulative impact on existing landscape character and visual amenity. The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to National Scottish Planning Policy (SPP), Policy 6 of the approved TAYplan 2012 and Policies 1, 2, 3, 5 and 11 of the Strathearn Area Local Plan 2001 and Policies PM1A, ER1A and ER6 of the Proposed Local Development Plan.
- 3 The size prominence and siting of some turbines are considered to have an impact on the setting of A listed buildings (Connachan Lodge and Monzie Castle). The Council is not satisfied that the energy contribution of the proposed turbines would outweigh the significant adverse effects on these heritage assets accordingly the proposal is contrary to Policy 3 of the approved TAYplan 2012, Policy 27 of the of the Strathearn Area Local Plan 2001 and policy HE1A of the Proposed Local Development Plan.

- 4 Approval of this application would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established Development Plans and supplementary planning guidance.

**B JUSTIFICATION**

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

**C PROCEDURAL NOTE**

Should the application be approved it would require to be sent to Scottish Government as a result of the formal objection to the proposal from Scottish Natural Heritage (SNH)

**D INFORMATIVES**

None.

Background Papers: 403 letters of representation  
Contact Officer: John Russell Ext 75346  
Date: 29 April 2013

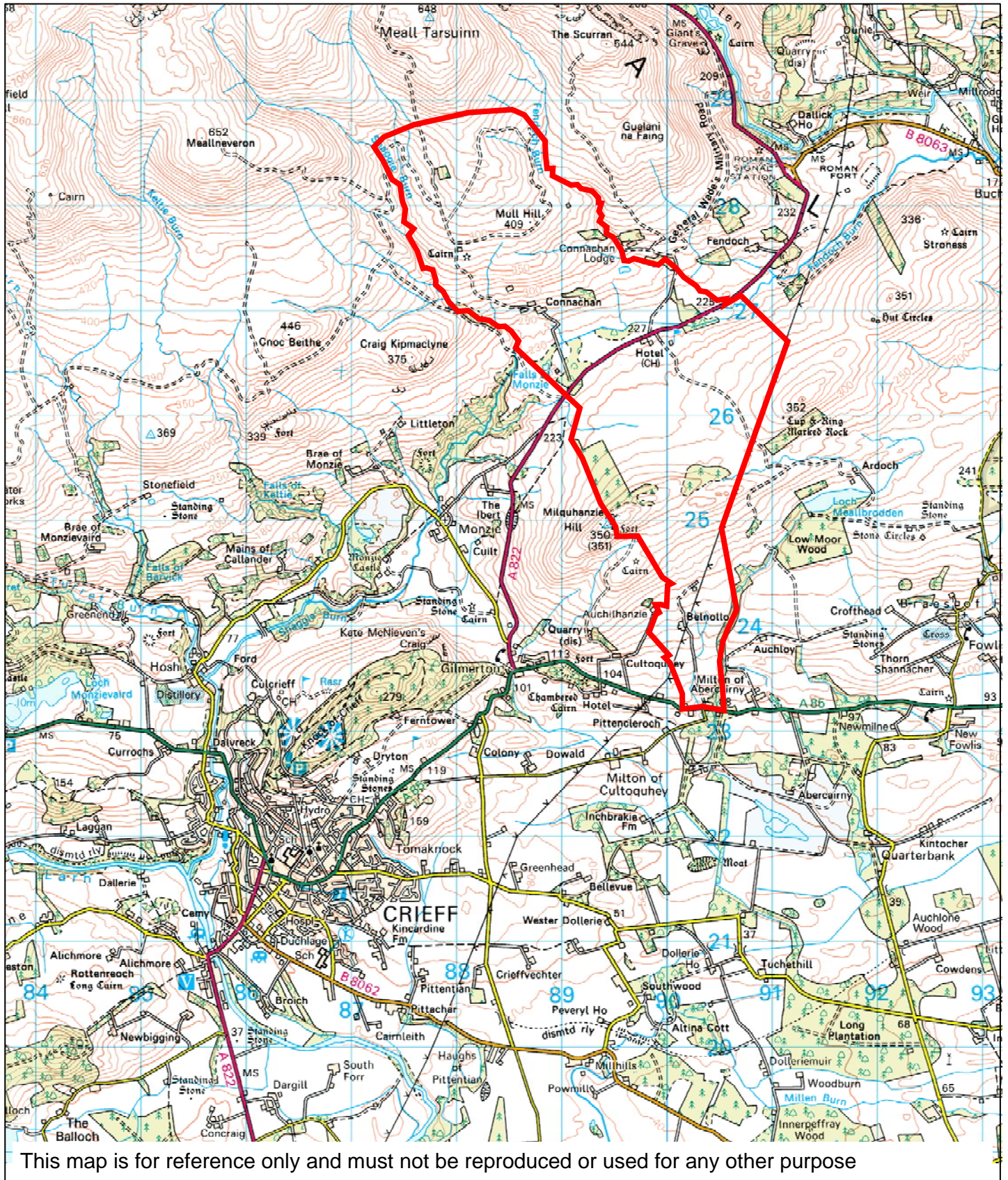
**Nick Brian**  
**Development Quality Manager**

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