

Perth and Kinross Council  
Development Management Committee – 10 December 2014  
Report of Handling by Development Quality Manager

Erection of a single wind turbine on land 500 Metres North West of East Blair Farm, Glenfarg

Ref. No: 14/01463/FLL  
Ward No: 8- Kinross-shire

### Summary

A 2 bladed wind turbine of the same height and scale was previously approved on this site under delegated powers on 24 December 2014 under application 13/00414/FLL. This application is for a change in the specification of the turbine to a 3 bladed turbine. This report recommends approval of the application for a single wind turbine and associated infrastructure at East Blair as the overall magnitude, detailed siting and wider cumulative impact are considered to be acceptable at this situation. Accordingly the proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION

- 1 The application site is a 0.5ha area of ground situated to the south east of Glenfarg Reservoir and Waste Water Treatment Works on East Blair Farm at an elevation of 250m AOD in the Ochil Hills 2.5km to the west of Glenfarg and 3km to the south west of Lochelbank wind farm. The application site is located within an undulating upland rural landscape characterised by scattered farm units and isolated residences in sheltered areas away from the higher ground. There are forestry plantations to the north and west. A line of pylons cross the valley running north to south 0.5km to the east of the site.
- 2 The purpose of the application is as a joint venture between Willow Energy and Scottish Water where the power generated by the proposed turbine will be used by Scottish Water at the nearby Glenfarg Reservoir and Waste Water Treatment Works. This will assist Scottish Water to achieve a key target of containing price increases for consumers and also assisting in achieving zero net carbon emissions.  
Planning consent was granted under application 13/00414/FLL for a similarly scaled 250kW 2 bladed wind turbine on the same site on 24 December 2013. The height to blade tip was proposed and approved at 64m.

### PROPOSAL

- 3 This is an application for a similarly scaled 500kW 3 bladed wind turbine with a hub height to blade tip of 67m. It is proposed however to embed the tower more deeply to match the previously consented blade tip height of 64m. The

proposed wind turbine is an EWT DW54. This is a high yield 500kW direct drive wind turbine that is capable of generating enough electricity to power approximately 340 houses. The turbine would consist of a tubular steel tower, with a hub height of approximately 37 metres. It will have a three bladed fibreglass reinforced epoxy rotor with a diameter of 27 metres. This results in an overall height to blade tip of approximately 64 metres when embedded to match the previously consented turbine height.

- 4 Associated infrastructure includes a new track to the site off an existing forestry track, a hardstanding and control building. An external transformer station will be sited beside the wind turbine. The turbine consists of a tapered tubular tower and 3 blades attached to a nacelle housing containing the generator, gearbox and other operating equipment. The turbine operation would be fully independent and automatic. The wind turbine tower and blades would be white in colour.
- 5 In support of the application the applicant's agent has submitted a Supporting Statement which includes a landscape, visual and cumulative impact assessment which examines the main environmental impacts of the proposed turbine, site selection and benefits arising, an acoustic report, ornithology/ecology report and photomontages.

## **PROCEDURAL**

- 6 Due to the development falling within schedule 2 of the Environmental Impact Assessment (Scotland) Regulations (2011) under Part 3 Energy Industry the Planning Authority took account of the criteria contained within the EIA Regulations and adopted a screening opinion that an EIA was not required dated 28 November 2013. This Screening Opinion should not be taken as implying that the planning authority considers this to be an acceptable development but that the environmental impacts for the scale of the development can be considered adequately in the assessment of the Planning Application.

## **NATIONAL POLICY AND GUIDANCE**

- 7 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework**

- 8 The third National Planning Framework for Scotland (NPF) was published in June 2014, setting out a strategy for Scotland's spatial development for the next 20 – 30 years. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning

decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 9 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- the preparation of development plans;
  - the design of development, from initial concept through to delivery; and
  - the determination of planning applications and appeals.
- 10 The following sections of SPP (2014) are of particular importance in the assessment of this application:-
- Paragraph : 24 - 35 Sustainability
  - Paragraph : 74 – 83 Promoting Rural Development
  - Paragraphs : 135 – 151 Valuing the Historic Environment
  - Paragraphs : 152 -174 Delivering Heat and Electricity
  - Paragraphs : 193 -218 Valuing the Natural Environment
- 11 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 1/2013 Environmental Impact Assessment
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage

### **Onshore wind turbines – Online Renewables Advice December 2013**

- 12 Provides specific topic guidance to Planning Authorities from Scottish Government.
- 13 The topic guidance includes encouragement to planning authorities to:

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

## **DEVELOPMENT PLAN**

- 14 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 – 2032 (Approved June 2012) and the Perth and Kinross Local Plan (Adopted February 2014).

### **TAYplan Strategic Development Plan 2012**

- 15 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.”*

### **Policy 2: Shaping Better Quality Places**

- 16 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.

### **Policy 3 - Managing TAYplan’s Assets**

- 17 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

### **Policy 6 - Energy and Waste/Resource Management Infrastructure**

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

## **Perth and Kinross Local Development Plan 2014**

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

20 The relevant policies are, in summary:

### **Policy PM1A - Placemaking**

21 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

### **Policy HE1B - Non Designated Archaeology**

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

### **Policy NE1A - International Nature Conservation Sites**

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

### **Policy NE3 - Biodiversity**

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

### **Policy NE4 - Green Infrastructure**

25 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

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

26 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with

the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

### **Policy ED3 – Rural Business and Diversification**

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

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

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

### **Policy EP8 - Noise Pollution**

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

## **OTHER POLICIES**

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

- 30 This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005. As Members are aware, the Council undertook extensive public consultation on its Wind Energy Policy and Guidelines and was approved by the Council in May of 2005.

### **Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, for inclusion in Planning Applications and Environmental Statements**

- 31 This provides advice on the selection and identification of viewpoints, photography standards and photomontage standards. The requirement for visualisations to be presented in accordance with this guidance was highlighted through the scoping exercise and a further time prior to submission of the planning application.

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

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

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

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

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

**Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape (2014)**

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

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

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

**SITE HISTORY**

- 36 13/00414/FLL planning consent was granted under delegated powers for a similarly scaled 250kW 2 bladed wind turbine on the same site on 24 December 2013.

**CONSULTATIONS**

The following bodies have been consulted in respect of the proposal.

**EXTERNAL**

- 37 **Scottish Water:** - no objections
- 38 **Ministry of Defence:** - no objection is offered subject to clarification on the final turbine position being controlled and details submitted to MOD of the red obstacle lighting.

**INTERNAL**

- 39 **Environmental Health:** - no objection subject to associated conditions in relation to addressing noise creation.

- 40 **Perth and Kinross Heritage Trust:-** there is potential for archaeological remains to be found in the area due to historic settlement and an archaeological monitoring condition is recommended on any consent.
- 41 **Transport Planning:-** no objections subject to condition for a Traffic Management Scheme.

## REPRESENTATIONS

- 42 A total of 9 letters of representation have been received raising the following issues:
- Excessive height
  - Contrary to local plan
  - Loss of visual amenity.
  - Shadow flicker.
  - Over intensive development.
  - Overlooking.
  - Impact on residential amenity
  - Unacceptable design
  - Cumulative and sequential impact of turbine
  - Setting precedent for more.
  - Land use.
  - Out of character with the area.
  - Noise impact
  - Impact on recreational amenity

## ADDITIONAL STATEMENTS

43	Environment Statement	Not required.
	Screening Opinion	A screening exercise has been undertaken by the Council, which concluded the proposal was not an EIA development.
	Environmental Impact Assessment	Not required.
	Appropriate Assessment	Not required.
	Design Statement / Design and Access Statement	Not required.
	Report on Impact or Potential Impact	Submitted, ZTV and wire frames.



## APPRASIAL

### Policy

- 44 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 45 The determining issues in this case are whether the proposal complies with Development Plan policy, or if there are any other material considerations which justify a departure from policy. A similarly scaled 2 bladed wind turbine has already been approved on this site on the 24 December 2013.
- 46 In terms of TAYPlan, Policy 6 is directly applicable to the proposal which states that Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been fully justified.
- 47 Policy ER1 of the Development Plan supports development of renewable and low carbon sources of energy where they accord with associated policy criteria. The associated policy criteria elements are addressed within this report. Policy ED3 of the adopted Plan offers support for the expansion of existing businesses in rural areas.
- 48 In terms of other material considerations, this principally includes an assessment against national planning guidance in the form of the Scottish Planning Policy 2014 and consideration of supporting guidance including the Tayside Landscape Character Assessment.
- 49 The principle of providing a wind turbine on the site has already been established. It is important however to consider the main issues again and representations to the proposal. The main issue include the impact it will have on the landscape character and visual amenity of the area, whether or not the proposal is compatible with the surrounding land uses, whether it will impact on nearby residential amenity, whether or not there will be an adverse impact on any protected species and / or habitats and whether or not the proposal will adversely affect any cultural heritage assets, A Supporting Statement has been submitted for the proposal including a Landscape and Visual Impact Assessment (LVIA), Cumulative Impact Assessment and Ecology/Ornithological Survey.

## **Landscape and visual impact**

- 50 A landscape and visual impact assessment including a cumulative impact assessment has been submitted with the proposal. A study of the impacts that would be created on the wider landscape has been carried out to a radius of 20km and potentially sensitive receptors within it.
- 51 The site is described in the Tayside Landscape Character Assessment as being within the Igneous Hills landscape character type, the key characteristics of which are volcanic rocks, a few large glens through the hills, generally open landscapes of almost conical summits dominated by grass moorland, some areas of extensive forestry and many modern influences. It is considered that as a consequence of the position of the turbine at a height below the nearest hill tops of Arlick Hill (297m) and East Blair (265m) and within the context of the pylons tracking close to the proposed turbine to the east, that this proposal for a single turbine of this scale will not have any adverse impact on the character of this landscape type, which is already capable of accommodating modern man made influences.
- 52 The immediate landscape around the application site is relatively undeveloped, however there is man-made infrastructure in the wider study area. Due to the undulating nature of the topography there are relatively few visual receptors within the study areas on the lower ground and few likely to experience any visual impact from the development. The visual impact within 2km of the site is therefore considered to be low and not significantly adverse.
- 53 As demonstrated in the landscape character and visual impact study outwith the Farg valley there will be very little visual impact as views are contained. Some views are predicted to the north west and south east but these are further restricted by woodland and tree cover and rarely fall upon any receptors, which tend to lie in the lower more sheltered land. This is demonstrated in the viewpoint analysis. Visual impact within this range will be low to negligible.
- 54 The ZTV indicates that beyond 5km the visual impact of a single turbine of this scale at this location is considered to be low to negligible. This also has to be considered in the context of consent already having been granted for a single turbine to a height of 64m in the same location. The additional impact, therefore, of this proposal compared to that of the existing consent is considered to be minimal. However, this is also based on the proposal to set the turbine in to the ground to an extent which results in no additional increase in overall height. A condition is therefore proposed to ensure that the proposed levels are achieved to ensure that this is the case.

## **Cumulative Impact**

- 55 Within the study area there are three existing wind farm sites. These are Lochelbank, Westfield and Greenknowes. Westfield and Greenknowes lie some distance to the south east (16km) and south west (14km) respectively, but Lochelbank lies closer to the north at a distance of approximately 3km. As indicated above the visibility of the proposed single turbine is considered to be low and it will not impact adversely in a cumulative way with these more distant wind developments. In terms of Lochelbank this can be seen from the road north of the reservoir and some cumulative impact may be experienced from this receptor however this is a low sensitivity receptor along a section of public road and is only affected slightly by the proposed turbine alone. The impact from the turbine in terms of cumulative effect with other wind farm developments is considered to be low to negligible.

## **Compatibility with Existing Land Uses**

- 56 All new developments should be compatible with existing land uses. There are no concerns raised over the impact that the turbine will have on the commercial activities on the land and farming practice nearby will not be affected by the proposal and it would have economic benefits itself in reducing overheads and possibly through the supply of electricity into the local electricity network. Concerns were raised on the impact of the proposal on recreational use in the surrounding area. It is accepted that the turbine will be apparent in the landscape, however the impact from a single turbine will not be a significantly adverse impact which would be detrimental to the enjoyment of recreational users. There is already large scale man made built infrastructure in the vicinity with the line of electricity pylons to the east of the site.

## **Impact on Biodiversity**

- 57 Policy NE3 seeks to protect and enhance existing wildlife and their habitats. The site is not protected by any specific designation and assessed against SNH guidance, the site is identified as being located within the lowest zone of natural heritage sensitivity. The proposed turbine therefore will not impact adversely on any nature conservation designations within the vicinity of the site which is upland grazing land and of a relatively low ecological value.

## **Cultural Heritage and Archaeology**

- 58 There are no listed buildings or scheduled ancient monuments or conservation areas within the vicinity of the application site and the proposed turbine will not therefore impact adversely on any cultural heritage interests.
- 59 The development site lies within an area that is considered to have archaeological potential. The development area is located in an area of hill pasture, which was

formerly occupied by the settlements of Blair and West Blair. Remains of both settlements survive close to the proposed development and consist of farmsteads depicted on the 1<sup>st</sup> edition of the OS 6-inch map, turf banks, old tracks, enclosures and rig and furrow. There is a possibility that associated archaeological remains survives within the development site and it is recommended through a condition that archaeological monitoring of all ground breaking works takes place within the development site.

### **Access and Road Safety**

- 60 In terms of access and road safety issues the Council's Transport Planners have no objections to the proposal. Access to the nearest public road will be taken off an existing private road. Prior to the commencement of works the applicant shall submit for the approval of the Planning Authority a Construction Traffic Management Scheme (TMS).

### **Noise Impact**

- 61 A Noise Impact Assessment submitted along with the application includes predicted noise levels, carried out in accordance with ETSU report for the DTI - *The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)*.
- 62 The report states that the nearest residential property would be at East Blair Farm, which should be 4 East Blair Cottage at a distance of 583 metres, which has a calculated  $L_{A90, 10 \text{ min}}$  of 32.33dB. There are 2 other properties which are closer to the proposed turbine at Blair Mhor and Ardblair to the east of East Blair Farm at a distance of 525 metres and 550 metres respectively. It is not believed that the noise levels here would be much greater than those calculated to be at 4 East Blair Cottage. Given the distances involved it is considered that the proposed turbine is acceptable in terms of amenity to neighbouring residential properties. Environmental Health has recommended noise conditions on any consent to ensure compliance.

### **Shadow Flicker**

- 63 Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year. Problems caused by shadow flicker are rare and it is considered that there will be no detrimental impact on residential amenity from shadow flicker as a result of this proposal.

## **Ministry of Defence**

- 64 There is no objection from the Ministry of Defence subject to a condition on red obstacle lighting and an informative to confirm the work start date and end at the site, as it is considered that the proposed turbine will not create a physical obstruction to air traffic movements or cause interference to Air Traffic Control and Air Defence radar installations.

## **Economic Impact**

- 65 The economic benefits associated with this proposed wind turbine are detailed in the applicant's submission. Although they have not been quantified, it is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local economy offering potential business opportunities for contractors through construction, delivery and maintenance.
- 66 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.

## **LEGAL AGREEMENTS**

- 67 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 68 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 REASON FOR RECOMMENDATION**

- 69 In conclusion, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the development plan unless other material considerations indicate otherwise. In this respect of the above assessment, the proposal is considered to comply with the overriding aims and policy objectives of the approved TAYplan 2012 and the adopted Local Development Plan 2014.

- 70 In this case, as outlined above, there would be a measurable contribution to renewable energy generation and associated savings in carbon emissions. In landscape and visual terms the impact is not considered to be significantly adverse given its overall situation and scale remaining compatible with neighbouring commercial scale windfarms within the wider area. Cumulatively, the single turbine is considered to fit with the wider spatial arrangement of Lochelbank, Westfield and Greenknowes windfarms.

## **A RECOMMENDED CONDITIONS**

### **Conditions:-**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - i) details of information signs to inform other road users of construction traffic;
  - j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - k) co-ordination with other major commercial users known to use roads affected by construction traffic;
  - l) traffic arrangements in the immediate vicinity of temporary construction compounds;

- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements; and
- o) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 Prior to the commencement of any development on site precise colour details of the turbine components shall be submitted for the approval in writing by the Council as Planning Authority. The approved colour scheme shall be implemented in full and thereafter retained in perpetuity, to the satisfaction of the Council as Planning Authority.

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

- 4 Within six months of the wind turbine being decommissioned the owner shall remove the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Council as Planning Authority.

Reason – In the interests of protecting visual amenity.

- 5 Notwithstanding the terms of Condition 4, the turbine shall be decommissioned by the owner and all associated plant and equipment removed and the site reinstated the site to its pre-development condition, to the satisfaction of the Council as Planning Authority, within 25 years from the date of the planning consent.

Reason – In the interests of protecting visual amenity.

- 6 A detailed Construction Method Statement (CMS) must be submitted prior to any development commencing. The CMS must include pollution prevention measures to the nearby watercourse, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing of the construction, all to the satisfaction of the Council as Planning Authority. The approved CMS shall be implemented in full and to the timescales attached thereto, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of proper site management.

- 7 Prior to the commencement of any development on site, precise details of any red obstacle lighting must be submitted to the Council as Planning Authority

Reason – In the interests of aircraft safety.

- 8 No advertisements or signage shall be attached or displayed on any part of the turbine.

Reason - In the interest of protecting visual amenity.

- 9 The developer shall arrange and afford access at all reasonable times to an archaeological organisation deemed acceptable to the Planning Authority in agreement with Perth and Kinross Heritage Trust, allowing them to observe work in progress and record items of interest and finds. Notification of the commencement data and details of the finds archaeological contractor retained by the developer should be made available to the Planning Authority and Perth and Kinross Heritage Trust in writing no less than 14 days before the development commences. Copies of the results of the watching brief shall be deposited in the National Monuments Record for Scotland and in the Perth and Kinross Historic Environment Record upon completion.

Reason - In the interests of archaeological heritage.

- 10 Noise arising from the wind turbine shall not exceed an  $L_{A90, 10 \text{ min}}$  of 35 dB at any noise sensitive premises, other than those with a financial interest in the development, at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event of that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise levels.

Reason – In the interests of residential amenity.

- 11 At the request of the Council and following a complaint relating to noise from the wind turbine the operator of the development shall, at its expense, employ an independent consultant approved by the Council to measure and assess (carried out in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) the level of noise emissions from the wind turbine.

Reason – In the interests of residential amenity.

- 12 Prior to commencement of work on site the applicant shall provide a detailed ordnance survey based topographical survey and cross section to demonstrating that the proposed wind turbine shall be no greater than 64m from ground level to blade tip. The details shall include sectional drawings illustrating the excavated area and no part of the turbine development, other than excavation works, shall be commenced until the survey details and the excavated area have been agreed in writing by this planning authority.

Reason – In order to comply with the terms of the application as submitted.



## **B JUSTIFICATION**

The proposal is considered to be in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
  - a. Displayed in a prominent place at or in the vicinity of the site of the development
  - b. Readily visible to the public
  - c. Printed on durable material.
- 5 Prior to the commencement of the development, the applicant must inform the Ministry of Defence (Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL) of the following information.
  - The date that construction will start and end
  - The maximum height of construction equipment

- The precise latitude and longitude of the position of the proposed turbine and the construction equipment
- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
  - 7 The developer or his agent should contact the Perth and Kinross Heritage Trust as soon as possible and they will explain the procedure of works required and prepare for them written Terms of Reference.

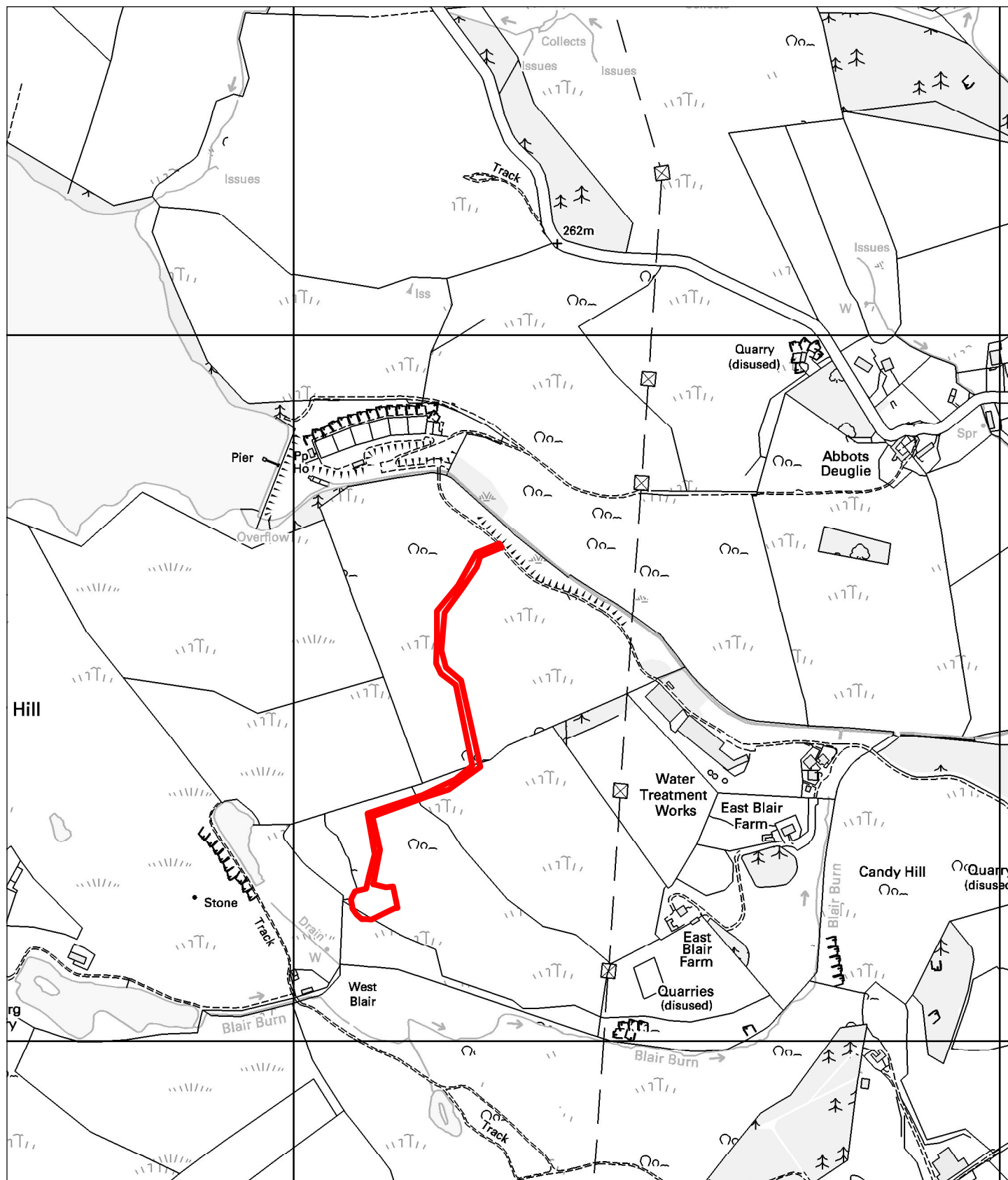
Background Papers: 9 letters of objection.  
Contact Officer: Mark Williamson – Ext 475355  
Date: 20 November 2014

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

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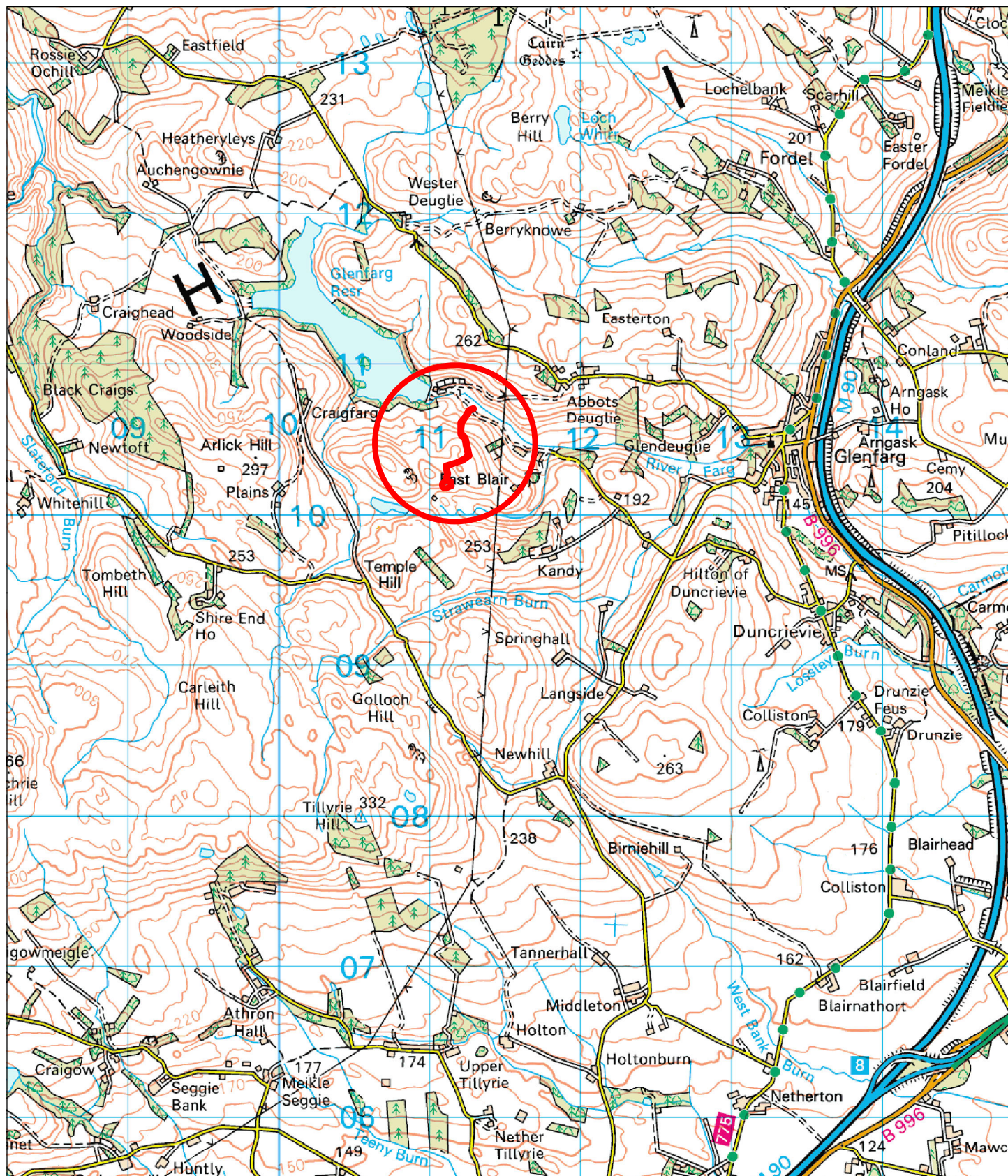
14/01463/FLL

Erection of single wind turbine with associated works.  
Land north-west of Blair Farm Glenfarg



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Erection of single wind turbine with associated works.  
Land north-west of Blair Farm Glenfarg



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